The City Council of the City of Raleigh met in regular session on Tuesday, September 17, 1985, at 1 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Block
Mr. Calloway
Mr. Congleton
Mr. Keller
Mr. Walters

Absent and Excused - Ms. Babb, Ms. Cates

Mayor Upchurch called the meeting to order indicating Ms. Cates is out of town today due to the death of her brother-in-law and Ms. Babb had called indicating she was sick. Therefore, without objection, both would be excused. Mayor Upchurch explained all Council members received a memo from Ms. Cates asking that certain actions be taken during the meeting. He indicated he would mention these items as they come up on the Agenda. Invocation was rendered by the Reverend Lawrence Lineberger, Our Saviour Lutheran Church, after which, the following matters were discussed with actions taken as shown:

RECOGNITION OF SPECIAL ITEMS

***RUN FOR THE OAKS ROAD RACE - CONTRIBUTION PRESENTED

Carole Sawicki was at the meeting explaining efforts ongoing in the City to get trees planted. She explained the history of the Run for Oaks Road Race pointing out it started about three years ago and former Parks and Recreation Director Frank Evans coined the term Run for the Oaks and her job was to coordinate the race run. She explained the City people had reflective T-shirts printed, brochures and sponsors were solicited to help fund the race. She indicated a lot of work was done by North Carolina Road Runners Club under the coordination of Jim Young. She indicated in the three years, over $6,700 has been raised and participation in the race has been over 1,200. She went over the list of sponsors as follows: Circuit City, Brendles, Coco-Cola, Finish Line, Dominos, ITT, Holiday Inn and the North Carolina Road Runners Club. Jim Young representing the Road Runners Club presented a check to the Mayor in the amount of $2,743.79 indicating he was told that this is worth 152 trees. Mayor Upchurch expressed appreciation to Ms. Sawicki and others for this event and contributions.

ORDINANCE NO. (1985) 637

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget Ordinance be amended as follows to reflect acceptance of funds from Run For Oaks to purchase trees:

Revenue:	37-1-0070-0200	Park Imp. - Misc. Income	$2,743.79
Expense:	37-2-3000-0202	Run For Oaks	$2,743.79

Section 2. That the 1985-1986 Budget Ordinance be amended as follows:

Revenue:	37-1-0070-0200	Park Imp. Misc. Income	$1,000.00
Expense:	37-2-3000-0203	Safety Program	$1,000.00

Section 3. That the 1985=1986 Budget Ordinance be amended as follows to create the funding for the hydraulic study of water distribution system:

Revenue:	06-1-7100-0001	Capital Reserve	$137,000.00
Expense:	06-207100-0112	Hydraulic Study	$127,000.00
	06-207100-0700	Computer Equipment	10,000.00

Section 4. That the 1985/1986 Budget Ordinance be amended as follows to reflect the acceptance of $10,000 grant for the International Folk Festival from the State:

Revenue:	01-1-0070-0200	Misc.	$10,000.00
Expense:	01-2-1050-0493	International Folk Festival	$10,000.00

Adopted: 9/17/85

***PROCLAMATION - CONSTITUTION WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week of September 17-23 as Constitution Week in the City of Raleigh. The proclamation was received by Ms. Faye Crouch, Regent, Samuel Johnson Chapter, daughter of the American Revolution.

***VOLUNTEER OF THE MONTH - JUNE REGELE - RECOGNIZED

Mayor Upchurch explained the volunteer of the month program indicating this month the City is recognizing June Regele citing her work with the Food Bank of North Carolina. The certificate was received by Greg Kirkpatrich, Director of the Food Bank of North Carolina who expressed appreciation to the Council for recognizing Ms. Regele.

***CERTIFICATES OF APPOINTMENT - PRESENTATIONS MADE

Mayor Upchurch explained the presentation of Certificates of Appointment and presented the following certificates: Appearance Commission - Vince Zucchino and Civic Center Authority - Jesse Brinkley.

***RECREATIONAL SAFETY FUND - CONTRIBUTIONS RECEIVED

Mayor Upchurch indicated on September 6 a local company had a news conference announcing a new program relative to recreation safety. He introduced Beth Cole and Lindy Hyde of Domino's Pizza. It was pointed out that one of the marketing goals of Domino's Pizza is to promote safety and explained that they had approached the governments in the five counties in which they operate pointing out they wanted to hold fund raising events in order to raise funds in the interest of putting back a little into the communities in which they operate. They presented a check in the amount of $1,000 to start the safety fund in the City of Raleigh. Mayor Upchurch accepted the funds and expressed appreciation for this type effort.

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Section 3. That the 1985/1986 Budget Ordinance be amended as follows to create the funding for the hydraulic study of water distribution system:

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Expense:	06-207100-0112	Hydraulic Study	$127,000.00
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Revenue:	01-1-0070-0200	Misc.	$10,000.00
Expense:	01-2-1050-0493	International Folk Festival	$10,000.00

Adopted: 9/17/85

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. City Manager Benton asked to pull the item relating to Funding of the Arts Commission and Cross Link Road - Right-of-way. No other items were pulled. Ms. Block moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***FAIR HOUSING ASSISTANCE PROGRAM - HUD AGREEMENT - CONTINUATION AUTHORIZED FOR SUBMITTAL

For several years, the City has participated in an agreement with the U.S. Department of Housing and Urban Development which provided funds to support the Fair Housing Assistance Program. Payment to the City is based on the number of cases investigated.

Recommendation: That the City request the continuation of this agreement. Consent Agenda approval Block/Calloway - 6 ayes.

***PARKS BUILDINGS SECURITY - AGREEMENT WITH GRAY, INC., - APPROVED

The City continues to add security equipment to its Parks buildings to reduce vandalism and theft. A proposal for a lease purchase of equipment for Roberts, Southgate, and Green Road Centers has been developed with Gray, Inc. A copy of the proposal was in the Agenda packet. The total cost is $316.93 per month. Thirteen other parks facilities are covered under similar agreements. Funds are budgeted.

Recommendation: That the lease agreement with Gray, Inc., be approved. Consent Agenda approval Block/Calloway - 6 ayes.

***STREET CLOSING - ARDEN CIRCLE - RESOLUTION OF INTENT ADOPTED

The City has been petitioned to close a major portion of Arden Circle. This street is located off Ebenezer Church Road. The right-of-way is unimproved and has no utilities. A map was included in the Agenda packet. The next steps would be adoption of a Resolution of Intent to close the street and scheduling of a public hearing. If the street is closed, two conditions should be established:

a. Surety arrangements to provide a cul-de-sac at the end of the remaining street section until development plans for this tract are approved again.

b. A recombination plat for all lots which will not front a public street must be recorded prior to Council approval of the street closing.

Recommendation: That Council adopt a Resolution of Intent to close and set a public hearing for November 5, 1985. Consent Agenda approval Block/Calloway - 6 ayes.

RESOLUTION NO. (1985) 943

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF ARDEN CIRCLE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

That portion of Arden Circle beginning at the Eastern line of Lots 130 on Wake County Tax Map 432 (Tract 2, Book of Maps 1978, Page 861) and map page 432 Lot 63 (Lot 33, Book of Maps 1948, Page 109) and following the right-of-way of Arden Circle in a Southwesterly direction, thence turning to the South as Arden Circle forms a loop (the Southern portion shown on Wake County Tax Map Page 461), and thence proceeding in a Northeasterly direction to a point between map page 432, Lot 25 (Northernmost corner) (Lot 27 (Northernmost corner) (Lot 30 (Easternmost corner), Book of Maps 1948, Page 109), where the loop of Arden Circle is joined. References to lot numbers are from the attached Wake County Tax Maps. References to Book of Maps in parentheses are to maps recorded in the Wake County Registry.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, November 5, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

***EXTRATERRITORIAL JURISDICTION ADJUSTMENT - TOWN OF GARNER - RESOLUTION ADOPTED

A lot exists on the north side of Mechanical Boulevard which is partially in Raleigh's and Garner's planning jurisdiction. The Town of Garner has requested that the City of Raleigh remove this portion of the lot from the Raleigh jurisdiction so that it can be added to the Garner jurisdiction. The tract is 2.9 acres in size. A map was included in the Agenda packet.

Recommendation: That Council authorize a joint public hearing with the Planning Commission to adopt an ordinance relinquishing the jurisdiction and to remove the parcel from the City of Raleigh zoning map subject to passage of a corresponding resolution by the Town of Garner. Consent Agenda approval Block/Calloway - 6 ayes.

RESOLUTION NO. (1985) 953

A RESOLUTION TO AMEND THE EXTRATERRITORIAL JURISDICTION AGREEMENT BETWEEN THE TOWN OF GARNER AND THE CITY OF RALEIGH

WHEREAS, the Town of Garner and the City of Raleigh have agreed that their respective jurisdictions for planning and regulation of development purposes should be altered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the extraterritorial jurisdiction agreement between the Town of Garner Town Council and the City Council of the City of Raleigh be modified to add a 2.9-acre tract north of Mechanical Drive, now in Raleigh's jurisdiction, to Garner's jurisdiction metes and bounds drawn as follows:

REVISED RALEIGH EXTRATERRITORIAL JURISDICTION

BEGINNING at a point in the existing (9/1/85) City of Raleigh Extraterritorial Jurisdiction (ETJ) Line, said point being in the intersection of the existing Garner Town Limits and the western line of a tract shown as Wake County Tax Parcels 656-22 and 656-398; thence northerly with the western line of said Parcel 656-22 a distance of 250 feet ± to the northwestern corner of said parcel; thence easterly 446 feet ± along the northern line of said Parcel 656-22 to its northeastern corner; thence southerly 275 feet ± with the eastern line of said Parcel 656-22 to a point in said existing ETJ Line.

Section 2. That this resolution shall become effective immediately following its adoption by both governing bodies.

Section 3. Garner subdivision, zoning and building code regulations shall become effective in those areas being placed in Garner's Extraterritorial Jurisdiction upon application of zoning classifications, or January 1, 1986, whichever comes first. The zoning, building code and subdivision code of the City of Raleigh shall remain in effect in those areas until Garner zoning classifications are applied, or January 1, 1986, whichever comes first.

Adopted by City of Raleigh: 9/17/85

Adopted by Town of Garner:

Effective: See Section 2 above

***DOWNTOWN DEVELOPMENT CORPORATION - REPORT - REFERRED TO WORK SESSION

The Downtown Development Corporation has requested an opportunity to present a report to Council at the September Work Session.

Recommendation: That the Council approve referral of this item to Work Session. Consent Agenda Block/Calloway - 6 ayes.

***STREET CONSTRUCTION - BENSON DRIVE - BID AWARDED TO GELDER AND ASSOCIATES - FUNDS APPROPRIATED - TRANSFER AUTHORIZED

Bids have been received for the construction of Benson Drive from Navaho Drive north to existing street. The bids are:

Gelder & Associates	$63,950.67
C. C. Mangum, Inc.	$64,857.25
REA Construction Company	$96,494.00

This project will be jointly financed by the City and a private firm under a previously approved agreement.

Recommendation: That the low bid of $63,950.67 be accepted and the following transfer approved:

From:			
32-2-5031-0100	Benson Drive	$48,000.00	
32-2-1000-0100	Council Reserve	15,950.67	
			$63,950.67
To:			
32-2-5031-0101	Benson Drive Const.	$63,950.67	

Consent Agenda approval Block/Calloway - 6 ayes.

ORDINANCE NO. (1985) 638 TF 5

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	G. F. Contingency	$ 2,000.00
To 01-2-1220-0265	Other Services	2,000.00
Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		
From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00
Purpose: To provide equipment for new employee.		
From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00
Purpose: To pay appraiser for appraisal work for City Market Project.		
From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97
Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.		
From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00
Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.		

Adopted: 9/17/85

***CRABTREE CREEK SANITARY SEWER PROJECT - BID AWARDED TO DELLINGER, INC. AND J. F. WILKERSON CONTRACTING COMPANY - FUNDS APPROPRIATED

Bids have been received for the sewer project which parallels an existing section of the Crabtree Creek sewer line from the Wakefield Apartment area to Pigeon House Creek and the relaying of that portion from Pigeon House Creek to North Boulevard. The

project was bid in two separate sections. A copy of the bid tabulations was included in the Agenda packet.

Recommendation: That the low bids of Dellinger, Inc., for $1,789,979 and J. F. Wilkerson Contracting Company for $290,703 be approved as well as authorize the transfer as outlined on the Agenda. Consent Agenda approval Block/Calloway - 6 ayes.

ORDINANCE NO. (1985) 638 TF 5

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	G. F. Contingency	$ 2,000.00
To 01-2-1220-0265	Other Services	2,000.00
Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		
From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00
Purpose: To provide equipment for new employee.		
From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00
Purpose: To pay appraiser for appraisal work for City Market Project.		
From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97
Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.		
From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00
Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.		

Adopted: 9/17/85

***ECONOMIC DEVELOPMENT FORUM - 1985 - FUNDS APPROPRIATED

The Economic Development Round Table is working with the staff on the 1985 Economic Development Forum. This is a follow-up to the events held in 1983 and 1984. It is desirable that funding be established to provide for the cost of bringing some public officials to the event to serve as resource persons and program speakers.

Recommendation: That $2,000 be appropriated from the General Fund Contingency to an appropriate account to support this event. Consent Agenda approval Block/Calloway - 6 ayes.

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To 01-2-1220-0265	Other Services	2,000.00

Purpose: To fund the 1985 Economic Development Forum.

From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00

Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.

From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67

Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.

From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00

Purpose: For Crabtree Creek Sewer Outfall - Section II.

From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00

Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.

From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00

Purpose: Change Order - New Bern Park - Smith Utilities.

From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00

Purpose: To provide equipment for new employee.

From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00

Purpose: To pay appraiser for appraisal work for City Market Project.

From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97

Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.

From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00

Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.

Adopted: 9/17/85

***BRIER CREEK SEWER PROJECT - ENGINEERING SERVICES - SOIL ANALYSIS AUTHORIZED - FUNDS APPROPRIATED

The City has retained the consulting firm of Hazen and Sawyer to design this project. Special engineering assistance is needed for soil analysis.

Recommendation: That Soil and Material Engineers be retained to perform the soil analysis on this project at a fee not to exceed $11,213 and that the appropriate transfer of funds be approved. Consent Agenda approval Block/Calloway - 6 ayes.

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Purpose: To fund the 1985 Economic Development Forum.

From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
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Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.

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Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
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To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		
From 43-2-2080-0100	Contingency	$ 1,700.00
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To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00
Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.		

Adopted: 9/17/85

***SANITARY SEWER EASEMENT - LAKE JOHNSON - AUTHORIZED

A request has been received from Colin McNair for a sanitary sewer easement across City property at Lake Johnson. This is necessary to connect a private development project with the City sanitary sewer system. A map was in the Agenda packet.

Recommendation: That the easement be approved subject to Mr. McNair agreeing to restore any existing greenway path or access road to its original condition if disturbed by the sewer line installation and the installation and maintenance of erosion control measures necessary to preclude sedimentation loss from the construction site for the sewer line. Consent Agenda approval Block/Calloway - 6 ayes.

***COMMUNITY DEVELOPMENT - COMMERCIAL RENOVATION PROGRAM - APPROVED WITH CONDITION

On August 6, 1985, the Council approved modification to the Downtown Loan Pool Program including to "Allow subsidies for partial rehabilitation by businesses relocated by the City within the Loan Pool Program area subject to Council approval." The City is relocating Terry's Furniture as a result of the City Market project. This business qualifies under the standards set by the City. It is proposed that a loan be made to Terry's Furniture to assist in relocating to 325 South Wilmington Street:

Amount: $47,000
Term: 24 months
Rate: 0% interest rate with repayment at $2,000 per month

Recommendation: That the loan be approved as proposed subject to normal credit evaluation. Consent Agenda approval Block/Calloway - 6 ayes.

***TAXICAB OWNERS PERMIT - JOSEPH HALEY, JR., - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on September 3, 1985, the following application for taxicab owner's permit was approved on the first reading:

Joseph Haley, Jr., Strop Taxi Company (New Individual Owner's Permit)

Recommendation: That the application be approved on second and final reading. Consent Agenda approval Block/Calloway - 6 ayes.

***INTERNATIONAL FOLK FESTIVAL - ACCEPTANCE OF FUNDS - BUDGET AMENDMENT AUTHORIZED

The Agenda presented a budget amendment in the amount of $10,000 to accept a grant for the International Folk Festival from the State. Mr. Walters pointed out that this money is to be used to employee a part time coordinator. Agenda approval Block/Calloway - 6 ayes.

ORDINANCE NO. (1985) 637

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget Ordinance be amended as follows to reflect acceptance of funds from Run For Oaks to purchase trees:

Revenue:	37-1-0070-0200	Park Imp. - Misc. Income	$2,743.79
Expense:	37-2-3000-0202	Run For Oaks	$2,743.79

Section 2. That the 1985-1986 Budget Ordinance be amended as follows:

Revenue:	37-1-0070-0200	Park Imp. Misc. Income	$1,000.00
Expense:	37-2-3000-0203	Safety Program	$1,000.00

Section 3. That the 1985/1986 Budget Ordinance be amended as follows to create the funding for the hydraulic study of water distribution system:

Revenue:	06-1-7100-0001	Capital Reserve	$137,000.00
Expense:	06-207100-0112	Hydraulic Study	$127,000.00
	06-207100-0700	Computer Equipment	10,000.00

Section 4. That the 1985/1986 Budget Ordinance be amended as follows to reflect the acceptance of $10,000 grant for the International Folk Festival from the State:

Revenue:	01-1-0070-0200	Misc.	$10,000.00
Expense:	01-2-1050-0493	International Folk Festival	$10,000.00

Adopted: 9/17/85

***REIMBURSEMENT CONTRACT - WALLSMITH ASSOCIATES - MAYOR AUTHORIZED TO SIGN

A reimbursement contract has been prepared for Council approval and the Mayor's signature. Costs have been certified by the Engineering Department.

Wallsmith Associates
Newton and Six Forks Road widening
$10,398.64

Recommendation: That approval be granted and authority for the Mayor's signature be authorized. Consent Agenda approval Block/Calloway - 6 ayes.

***NEW BERN PLACE PARK - CHANGE ORDER #1 - FUNDS APPROPRIATED

Change Order #1 - Smith Utilities relating to New Bern Place Park was presented. This is in an addition of $12,320 and is needed related to revision and wattage and number of light fixtures. The Agenda outlined the appropriate transfer that would be needed if the Change Order is authorized.

Recommendation: That the Change Order and transfer as outlined on the Agenda be authorized. Consent Agenda approval Block/Calloway - 6 ayes.

ORDINANCE NO. (1985) 638 TF 5

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	G. F. Contingency	$ 2,000.00
To 01-2-1220-0265	Other Services	2,000.00
Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		
From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00
Purpose: To provide equipment for new employee.		
From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00
Purpose: To pay appraiser for appraisal work for City Market Project.		
From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97
Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.		
From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00
Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.		

Adopted: 9/17/85

***TURKEY CREEK SANITARY SEWER OUTFALL - CHANGE ORDER #1 - APPROVED -- FUNDS APPROPRIATED

The Agenda presented a Change Order which is a decrease of $3,124 from the Turkey Creek Sanitary Sewer Outfall - J. F. Wilkerson Construction Company contract. The Agenda outlined the reason for the change order and recommended an associated transfer.

Recommendation: That the Change Order and transfer as outlined on the Agenda be upheld. Consent Agenda approval Block/Calloway - 6 ayes.

ORDINANCE NO. (1985) 638 TF 5

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	G. F. Contingency	$ 2,000.00
To 01-2-1220-0265	Other Services	2,000.00
Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00

Purpose: To provide equipment for new employee.

From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00

Purpose: To pay appraiser for appraisal work for City Market Project.

From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97

Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.

From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00

Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.

Adopted: 9/17/85

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION UPHELD

Council Members received in their Agenda packet a list of Administrative transfer which has been authorized according to the Council procedure. The transfers were as follow:

From:	34-2-3805-0102	$815.00
To:	34-2-3805-0104	815.00
From:	43-2-2080-0100	413.00
To:	43-2-2130-0230	413.00
From:	02-2-2100-0268	200.00
To:	02-2-2100-0265	200.00

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval Block/Calloway - 6 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Community Development, Real Estate and Transportation Department and outlined the need for the transfers as well as the code accounts that would be affected.

Recommendation: Approval of the transfers as outlined be authorized. Consent Agenda approval Block/Calloway - 6 ayes. See Ordinance 638 TF 5.

END OF THE CONSENT AGENDA

***ARTS COMMISSION - FUNDING OF RECEPTION - WITHDRAWN FROM THE AGENDA

The Arts Commission has a special program planned for September 23, 1985. It will be for the purpose of recognizing The Raleigh Arts Foundation and commemorating the 20th Anniversary of the National Endowment of the Arts. The Arts Commission has obtained $1,000 from private sources and needs up to $1,000 from the City to finance the event.

City Manager Benton indicated he had withdrawn with this from the Consent Agenda as the action is no longer needed. He explained this started out as an effort to raise funds from the private community to have a reception of recognizing the Raleigh Arts Foundation. He indicated through efforts of Mayor Upchurch they have been able to raise enough funds from the private industry that the City funds are not needed. Mayor Upchurch explained at the request of Elaine Lorber he wrote letters to about twenty people soliciting their participation in this event and their response was such that the City's funding is not needed. Without objection, the item was withdrawn from the Agenda.

***CROSS LINK ROAD - RIGHT-OF-WAY - RESOLUTION OF CONDEMNATION ADOPTED

The construction of the relocated section of Cross Link Road requires the acquisition of a small amount of right-of-way at Rock Quarry Road. The owner, Texaco Company, desires that the right-of-way sale include the exchange of a 5-foot strip type of residual right-of-way behind the existing sidewalk and along their property. The area involved is 571 square feet.

City Manager Benton indicated the City Council has approved the realignment of Cross Link Road and the City thought we had purchased property from Texaco but we have been unable to reach an agreement, therefore, he would recommend that the City Council adopted a resolution of condemnation for approximately 1900 square feet of property at the intersection of Rock Quarry/Cross Link Road. Mr. Congleton moved the

Manager's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 944 (See Page _____).

SPECIAL ITEMS

***TC-19-85 - RESIDENTIAL-30 SPECIAL USE AMENDMENT - DENIED

Council Members will receive in their Agenda packet a copy of CR-5688 from the Planning Commission which recommends that this text change be denied. This item was on the August 6, and September 3, Council Agendas. The action of the September 3, meeting was to place the item on this Agenda for further consideration.

Mayor Upchurch indicated Council Members received a memo from Planning Director Chapman about additional language to this proposed text change. Ms. Block indicated she had only received this suggested change in the wording earlier today and she is sure that some of the Council members have not had an opportunity to read them. She indicated Ms. Cates feels that this item should be approved but she would like an opportunity to further discuss it and study the item, therefore, she would move that we hold this item until the Work Session on Thursday for discussion and then we can vote at the next meeting. Her motion was seconded by Mr. Keller. Mr. Walters indicated Ms. Cates in her memo said she was comfortable with this change. He stated we have held this an unprecedented three times and he would be comfortable if Mr. Chapman would explain these amendments and then if everyone is comfortable go ahead and vote on it today. Mr. Congleton suggested the possibility of postponing this until the Thursday meeting and we could continue this meeting until Thursday and discuss this and take action at that point. Ms. Block amended her motion that be at the end of this meeting this afternoon that the meeting be continued to Thursday morning and that TC-19-85 be one of the items for discussion at the continued Council meeting on Thursday. Her restated motion was seconded by Mr. Keller and put to a vote which passed unanimously.

During the continued meeting on Thursday, September 19, 1985, Planning Director Chapman explained the Residential-30 special use district. He indicated some questions came up relative to interpretation of the design standard and the staff proposed TC-19 to clarify the ordinance. He indicated the clarification was needed as it relates to the one and one half to one ratio being measured from an adjacent street and midpoint of the lot. He indicated one of the questions was whether or not alleys or other public right-of-ways were included. He indicated there was a lot of discussion and the Staff attempted to further clarify the text change and went over the amendment he had sent to Council in memo form. He indicated he had discussed these proposed changes to TC-19 with a few people including some representatives of the neighborhood, developers, etc., and he could not say that he found any unanimity in their feelings. He pointed out the Planning Commission had recommended unanimously to deny TC-19.

Ms. Cates indicated this item had been held several times at her request. She stated when she ran for Council she thought that all problems could be solved if everyone worked together but she has decided there are some problems that cannot be solved and has also decided there is no perfect ordinance. She stated this City Council and Administration has spent a reasonably long time trying to clarify this Residential-30 special use district. She stated a lot of time and work went into the development of the Residential-30 special use and there was unanimity in that decision. She stated she wasn't satisfied with TC-19 as proposed and she worked on the modification and after studying the modification at length, she realizes that the modified TC-19 is not the answer. She stated the feedback that she has been getting is that the modified TC-19 would not do what people would hope it would do. Therefore, she feels that the City Council should deny TC-19 and challenge the neighborhood to get their act together and if something else needs to be done they should come to the City. She indicated in the discussions that lead to the adoption of Residential-30 special use that one of the basic recommendations was that this neighborhood form one neighborhood organization and that hasn't been done.

Mr. Walters indicated the Planning Commission recommended denial of this text change based on the confusion about the text change and he does not believe that is a good reason to recommend denial of a text change. He stated if we approve this text change it will make it much clearer and he feels the suggested amendments are good; therefore, he feels we should approve the text change as amended and if we find that there is something else wrong with Residential-30 special use we can look at that. He indicated the people who worked on the original change agrees with this text change and pointed out sometimes people in a neighborhood are more vocal than others and he does not always feel that the Council should base it actions on that. Mayor Upchurch indicated in his opinion, this neighborhood will never agree on the proposed text change. Mr. Keller indicated in his opinion, we need to vote and resolve this issue. He stated when we first started discussing this, he felt the amendment was a good thing but the more he looked at it, the bigger the holes got and maybe the best thing to do is to stick with what we have now and see how it works. Mr. Walters pointed out the proposed text change came about because we have a vague ordinance that the Staff cannot interpret. This is a clarifying ordinance and if it is not adopted, the Staff will be back where it was originally. Ms. Cates pointed out this neighborhood did work very hard with the Comprehensive Planning Committee and Staff to come up with the Residential-30 special use and in her opinion it is a good ordinance. She stated the neighborhood is capable of getting together again and coming up with solutions or amendments if that is needed. She stated this is one of

the most aware neighborhoods as it relates to their needs as any she has seen in the City. Ms. Block moved approval of Text Change 19 with the amendments as suggested by Planning Director Chapman. Mr. Walters indicated before he seconded that motion, he would like an interpretation from the Attorney as to what would happen if that motion failed. Associate City Attorney Botvinick explained the procedure pointing out this is a motion to approve a text change and if it does not pass then the text change is dead and the only way it would be revived is someone on the prevailing side asking that it be reconsidered with Mr. Walters indicating he feels this is very poor parlimentary procedure. The motion as stated was put to a vote with the results as follows: Ayes - Walters, Congleton (Congleton did not vote and according to City rules and procedures silence means affirmative, therefore his vote counts in the positive); Noes - Upchurch, Block, Calloway, Cates, Keller (Ms. Babb was absent and excused during the reconvened Thursday meeting). The Mayor ruled the text change defeated with Mr. Walters indicating it was too bad we have an election coming up as he feels the vote would have been different if we did not with several Council members disagreeing.

REQUEST AND PETITIONS OF CITIZENS

***STREET NAME CHANGE AND REQUEST FOR REPAIRS - OLD FAYETTEVILLE STREET - REFERRED TO THE PUBLIC WORKS COMMITTEE

Dr. R. E. Jones, Jr., was at the meeting indicating he had circulated a petition requesting that the 900-1800 blocks of Old Fayetteville Street be renamed J. W. Yeargin Drive. He presented the petition which he indicated was signed by over 70 names and represents 95% of the people who live on the street. He indicated he came to the last Council meeting and explained to the Council that he was circulating this petition. He stated since that time, he had several questions about just who J. W. Yeargin was. Dr. Jones gave a brief description of Dr. Yeargin who was born on December 15, 1881, his accomplishment in education, the community, and career. He explained that Old Fayetteville Street is in bad repair and they would like for it to be repaved or repaired. Mayor Upchurch explained that paving curb and gutter is assessed against the property owner and questioning if the petition says that. Brief discussion took place after which, Mr. Calloway moved that the street name change and street improvements be referred to Public Works Committee pointing out he is in favor of both. His motion was seconded by Ms. Block and after brief discussion put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***HILLSBOROUGH ROW PROJECT - STORM WATER AND OTHER PROBLEMS - REFERRED TO PUBLIC WORKS COMMITTEE

Camille and Mark Schaffer, 14 Furches Street, indicated last spring plans were approved for the Hillsborough Row project which is directly across the street from their residence. She explained that this involves two buildings of office, residential and commercial. She explained the site plan calls for runoff to go to a ponded area at the corner of Hall and Furches Streets. She indicated this ponding area presents a threat to the trees and vegetation in the 30 foot conservation buffer on Hall Street and could result in up to 4 feet of stagnant water standing in this corner next to the sidewalk. She stated the neighborhood feels this presents a safety and environmental problem. She indicated she is requesting that the City construct or require construction of a storm sewer from the corner of Hall and Furches Street to connect with an existing storm sewer at Furches and Clark Avenues. She indicated Bass, Nixon and Kennedy have suggested this alternative. She indicated it is her understanding that the site's drainage plan is in accordance to City policy but they do not feel it is correcting this situation considering the uniqueness of the location. Mayor Upchurch indicated this is an item that Ms. Cates had been working on and had requested in her memo that it be referred to Public Works Committee. Mr. Walters moved the item be referred to Public Works Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***HILLSBOROUGH STREET - UNIVERSITY - NEIGHBORHOOD PLANNING COUNCIL - PRESENTATION - REFERRED TO ADMINISTRATION TO REPORT BACK OCTOBER 1

Dean Claude McKinney indicated he was at the meeting representing the ten people who were convened by Dr. Polton approximately a year ago to look at the Hillsborough Street issue. He indicated the issues that they discussed had been presented to the Council on several occasions. He presented Council members with a booklet entitled "A Community Plan for University Village on Hillsborough Street. He briefly explained the plan which calls for rezoning of the University Village area to a new category Pedestrian Business District I indicating this is explained in the information given to Council. He explained activities that this group has undertaken relating to the Electric Company and McDonald's on Hillsborough Street. Discussion took place on the work this group has done and the proposals with Ms. Block commending the Committee pointing out they have done a lot of really good work. She stated it is a tremendously exciting proposal and there is a lot of decisions that will have to be made. Mr. Keller pointed out the Planning Department has been involved in the development of the Pedestrian Business District and he would like to move forward with a public hearing to consider implementing this zoning district. After brief discussion, Mayor Upchurch suggested that the item be referred to Administration to bring it back next time and hopefully get the text change into the time cycle for the November public hearing. He stated Administration will have to

work on the traffic and parking situation. Dean McKinney indicated the parking will be a complex issue. He stated the momentum is there now and urged the Council to act as quickly as possible to keep the momentum going. Without objection, the item was referred to Administration for report back at the October 1 Council meeting.

***FAYETTEVILLE STREET MALL - REQUEST FOR WAIVER THE FEE - WITHDRAWN

Kay Bray had requested permission to address the Council relative to waiver of a fee in connection with the National Employee Week. However, it was reported that Ms. Bray had requested that the item be withdrawn from the Agenda.

UNFIT BUILDING AND DWELLINGS UNFIT FOR HUMAN HABITATION

***NONE

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION'S CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission's Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated Ms. Cates had requested that the following items be withdrawn: CR-5758 (PA-113-85), CR-5776 (S-155-85), CR-5778 (S-159-85), CR-5781 (S-162-85, PA-119-85, and GH-29-85); Block - CR-5720 (PA-98-85), CR-5757 (PA-111-85), CR-5761 (PA-117-85), CR-5780 (S-161-85 and GH-31-85), CR-5784 and CR-5788 (Z-106-85); Calloway - CR-5787 (Z-80-85); Walters - CR-5727 (PA-104-85 and GH-27-85); Keller - CR-5785. Without objection, these items were withdrawn from the Consent Agenda. Mr. Congleton moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PA-97-85 - GLENWOOD AVENUE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 133,787 square foot, five-story, 66-foot high, office building on 8.82 undeveloped acres, zoned Office and Institution-I; and approval to grade and relandscape a portion of the Conservation/Buffer zoning district. The property is located on the west side of Glenwood Avenue, just south of Woman's Club Drive and north of Toler Place, inside the City Limits.

CR-5719 from the Planning Commission recommended that this request be approved according to a map entitled, "Glenwood Avenue Building," developed by Spectrum Properties, Incorporated, drawn by Clark, Tribble, Harris & Li, Architects, PA, dated July 1, 1985, with the following conditions: (1) That detailed landscaping plans be approved by the Staff prior to issuance of building permits; and (2) that at such time an access is developed at the intersection of Glenwood Avenue and Woman's Club Drive, the property owner construct a vehicular access and connect it with the parking lot, as evidenced by a recorded agreement approved by the City Attorney's Office prior to issuance of building permits. Consent Agenda approval Congleton/Keller - 6 ayes.

***PA-108-85 AND GH-34-85 - ST. MARY'S CLOSE - APPROVED WITH CONDITIONS

This was a request for approval to construct 15 apartment units on two currently undeveloped lots, zoned Office and Institution-I (Lot A - 0.52 acre with 11 units in two buildings, Lot B - 0.16 acre with 4 units in one building). The property is located northwest of the intersection of North Boylan Avenue and West North Street, inside the City Limits.

CR-5755 from the Planning Commission recommended that this request be approved according to a map entitled, "St. Mary's Close," the property of Robert Peatross, drawn by Chance/Cory Associates, dated July 22, 1985, revised August 22, 1985, with the following conditions: (1) That a recombination map be recorded creating Lots A and B as shown on the site plan prior to issuance of building permits; and (2) that cross-parking and access agreements between Lots A and B are recorded prior to issuance of building permits. Consent Agenda approval Congleton/Keller - 6 ayes.

***PA-114-85 - STATE EMPLOYEE'S CREDIT UNION - APPROVED

This was a request for approval to construct a 1,109 square foot addition to an existing 2,613 square foot building on 1.15 acres, zoned Office and Institution-I. The property is located on the west side of Blue Ridge Road, between Sunset Road and Fairmeadow Lane, outside the City Limits.

CR-5759 from the Planning Commission recommended that this request be approved according to a map entitled, "State Employees' Credit Union," the property of the State of North Carolina, drawn by City Planning and Architectural Services, dated August, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***PA-116-85 - WAKE COUNTY HOSPITAL SYSTEMS - APPROVED

This was a request for approval to construct a two-story addition, consisting of 120,220 square feet above an existing two-story building fronting on New Bern Avenue.

The site is zoned Office and Institution-I and includes 36.57 acres. The property is located on the south side of New Bern Avenue, at the existing Wake County Medical Center, inside the City Limits.

CR-5760 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake County Hospital Systems, Inc., Two Story West Wing Addition," the property of Wake County Hospital Systems, Incorporated, drawn by Cannon, dated August 1, 1985, revised August 23, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***PA-118-85 - NEWBERRY OFFICE - APPROVED

This was a request for approval to convert an existing 2,200 square foot house into office space on a 0.132 acre lot, zoned Office and Institution-I. The property is located on the east side of St. Mary's Street, north of Hillsborough Street, and south of West Jones Street, inside the City Limits.

CR-5762 from the Planning Commission recommended that this request be approved according to a map entitled, "Newberry Office," the property of William J. Newberry and Colin Fairweather, drawn by John Phelps, dated April 4, 1985, revised, August 25, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***PA-120-85 AND GH-33-85 - EDGEWATER - APPROVED WITH CONDITION

This was a request for approval of 188 residential units in 10 buildings on 19.56 acres, zoned Residential-10 and Conservation/Buffer, connecting to City utilities. The site plan shows a private street in a Conservation/Buffer zone, and seven units are requested to be transferred from Conservation/Buffer to Residential-10. The property is located on Bartons Landing Road and Ray Road, off Leesville Road, inside the City Limits.

CR-5763 from the Planning Commission recommended that this request be approved according to a map entitled, "Edgewater," the property of The Paragon Group, drawn by LandDesign, Incorporated, dated September 4, 1985, with the condition that the cross-access agreements with the adjoining property to the south be reviewed and approved by the City Attorney's Office prior to the issuance of building permits. Consent Agenda approval Congleton/Keller - 6 ayes.

***SC-38-85 - NORTH HILLS EXXON RENOVATION - APPROVED WITH CONDITION

This was a request for approval to renovate North Hills Exxon in a Shopping Center zone. This parcel is part of the 31.25 acre North Hills Mall parcel. The building is connected to City utilities. The property is located at the southwest corner of the Six Forks Road/Lassiter Mill Road intersection, inside the City Limits.

CR-5764 from the Planning Commission recommended that this request be approved according to a map entitled, "North Hills Exxon Renovation," the property of North Hills, Incorporated, drawn by Quick Associates, PA, dated August 22, 1985, with the condition that a signage conform with the approved North Hills Mall sign criteria (SC-44-85). Consent Agenda approval Congleton/Keller - 6 ayes.

***SC-40-85 - ADDITION TO OAK PARK ECONO LODGE MOTEL - APPROVED WITH CONDITION

This was a request for approval of a 35-room, 13,600 square foot addition to the existing 49-room Oak Park Econo Lodge Motel, connected to City utilities. The 1.844 acre tract is zoned Shopping Center. The property is located on Hollyridge Road, just south of the intersection of Hollyridge Road and U.S. 70 (Glenwood Avenue), inside the City Limits.

CR-5765 from the Planning Commission recommended that this request be approved according to a map entitled, "Addition to Oak Park Econo Lodge Motel," the property of Oak Park Motel Associates, drawn by Alan Turner, AIA, dated August 30, 1985, with the condition that a detailed landscaping plan which screens the adjoining residential properties is approved by Administration prior to issuance of any building permits. Consent Agenda approval Congleton/Keller - 6 ayes.

***SC-42-85 - ADDITION TO NORTH BOULEVARD'S SHOPPING CENTER - APPROVED WITH CONDITION

This was a request for approval of a 14,400 square foot addition to North Boulevard Center, connected to City utilities. The 9.4 acre site is zoned Shopping Center. The property is located on the east side of U.S. 1 North, just south of New Hope Road, inside the City Limits.

CR-5766 from the Planning Commission recommended that this request be approved according to a map entitled, "Addition to North Boulevard Shopping Center," the property of Lincoln Developers of Raleigh, Incorporated, drawn by W. T. Doggett, Architects, dated September 3, 1985, with the condition that all landscaping on the original approval (SC-191-83) which is not in conflict with the addition be installed prior to occupancy of the addition. Consent Agenda approval Congleton/Keller - 6 ayes.

***SC-44-85 - K-MART SHOPPING CENTER SIGN CRITERIA - APPROVED

This was a request for approval of a sign criteria for the shopping center and outparcels, zoned Shopping Center (original approval - SC-76). The property is located on U.S. 1 North at the K-Mart Shopping Center.

CR-5767 from the Planning Commission recommended that this request be approved according to a document entitled, "Sign Criteria, K-Mart Shopping Center, 6200 North Boulevard, Raleigh, N.C.," the property of K-Mart, written by Jack A. Sneeden Company, dated August 22, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-109-85 - WINDSOR FOREST CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide as a cluster unit development a 106.4 acre undeveloped tract, zoned Residential-6 (99.6 acres) and Conservation/Buffer (6.8 acres) into 181 single-family lots and 282 townhouse units. The property is located on the south side of Durant Road, between the Camp Durant access road and Seaboard Coastline Railroad, outside the City Limits.

CR-5768 from the Planning Commission recommended that this request be approved according to a map entitled, "Windsor Forest, A Cluster Unit Development," the property of Raleigh Prop., Inc., drawn by Rivers and Associates, dated April 30, 1985, revised August 28, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; (2) that the benefit fees be paid for existing water line in Durant Road prior to recording final plats; (3) that a staking plan for townhouse development be provided prior to issuance of building permits; (4) that a stormwater management plan be developed in conformance with the Perry Creek Stormwater Policy; and (5) that the State-permitted community sewer plant be expanded and constructed prior to recording of plats. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-111-85 - NORTH BOULEVARD INDUSTRIAL PARK REVISED - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 6.95 acre tract, zoned Industrial-I, into five lots. The proposed revision involves deletion of a joint driveway for Lots 1 and 2. The property is located on the north side of Millbrook Road at its intersection with Atlantic Avenue, inside the City Limits.

CR-5769 from the Planning Commission recommended that this request be approved according to a map entitled, "North Boulevard Industrial Park," the property of North Boulevard Industrial Park, submitted by Chance-Cory Associates, revised date August 19, 1985, with the condition that the greenway easement, as shown on the plan, be dedicated and accepted by the City. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-129-85 - C & A EQUIPMENT SERVICE (LOT "L", ROBERTS INDUSTRIAL PARK) - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 2.53 acre tract, zoned Industrial-I and presently developed, into two lots. The property is located on the east side of Partin Road (unimproved), south of U.S. 64 East, outside the City Limits.

CR-5770 from the Planning Commission recommended that this request be approved according to a map entitled, "C & A Equipment Service," the property of Robert Pleasant, submitted by Ragsdale Consultants, PA, dated June 24, 1985, with the following conditions: (1) That the subdivider construct the required street improvements to Partin Road or make payment in lieu of improvements and give the City the necessary slope easements prior to recording any final plats; (2) that well and septic tank permits be approved by the Wake County Health Department prior to issuance of building permits; and (3) that a joint access agreement on Partin Road be approved by the City Attorney's Office prior to recording of any plats. Consent Agenda approval Congleton/Keller 6 ayes.

***SUBDIVISION S-131-85 - DRIFTWOOD MANOR APARTMENT CONDOMINIUM CONVERSION - APPROVED

This was a request for approval to convert a 284-unit apartment complex, zoned Residential-10 and Residential-15, to condominium units for sale. The property is located on Schaub Drive, just east of DeBoy and southeast of the Beltline-Western Boulevard intersection, inside the City Limits.

CR-5771 from the Planning Commission recommended that this request be approved according to maps entitled, "Driftwood Manor Apartments, Map A, by Moore, Gardner and Associates, dated January, 1971," and "Driftwood Manor Site Plan, by Newberry, Ashford and Keel, dated March 1, 1971," the property of Driftwood Manor, Incorporated, submitted by John McAdams Company. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-151-85 - CAROLINA PINES LARGE PORTION OF BLOCK "P" - APPROVED WITH CONDITION

This was a request for approval to subdivide a 5.8 acre tract, zoned Residential-4, into 21 lots. The property is located on the southwest side of Harper Street, just west of Fairway Drive, inside the City Limits.

CR-5773 from the Planning Commission recommended that this request be approved according to a map entitled, "Subdivision Plan for Large Portion of Block "P," Carolina Pines Subdivision," the property of R. L. Martin, submitted by Don Speicker, dated September 3, 1985, with the condition that required improvements to Harper Street be constructed, or surety for the improvements be approved by the City, prior to the recording of final plats (see additional note on CR-5773). Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-152-85 - STONEHAM ACRES - APPROVED WITH CONDITION

This was a request for approval to subdivide a 5.84 acre site, zoned Residential-6, into 14 lots for development of two single-family units and 24 townhouse units (12 two-unit structures). The property is located on the west side of new Creech Road, just south of its intersection with Rock Quarry Road, inside the City Limits.

CR-5774 from the Planning Commission recommended that this request be approved according to a map entitled, "Property of Trio Enterprises, Stoneham Acres, Phase 3," the property of Trio Enterprises, submitted by Glenn D. Ward and Associates, dated August 1, 1985, with the condition that the party wall agreements for the attached unit development be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-157-85 - TRYON INDUSTRIAL PARK, PHASE 3 - APPROVED

This was a request for approval to subdivide a 20.02 acre tract, zoned Industrial-I, into 14 lots. The property is located on the east of South Wilmington Street, to the southeast of its intersection with Tryon Road, outside the City Limits.

CR-5777 from the Planning Commission recommended that this request be approved according to a map entitled, "Phase Three, Tryon Industrial Park," the property of M. Weeks and J. K. Sherron, submitted by J. Fred Davis, Jr., revised date August 20, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-160-85 AND GH-30-85 - TRAILWOOD GROVE - APPROVED

This was a request for approval of 107 condominium units on 10.74 acres, zoned Residential-10, connected to City utilities. The property is located on the north side of Lineberry Drive in the Trailwood Forest Subdivision, outside the City Limits.

CR-5779 from the Planning Commission recommended that this request be approved according to a map entitled, "Trailwood Grove," the property of Alton L. Smith, Incorporated, drawn by L. A. Blakely Design Group, dated August 30, 1985. Consent Agenda approval Congleton/Keller - 6 ayes.

***SUBDIVISION S-165-85 - ARDEN FOREST CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to revise an approved Cluster Unit Development by adding 2.69 acres, zoned Residential-4, to Phase I and 0.41 acre, zoned Residential-4, to Phase II. Revised Phase I will include 15.82 acres of Residential-4 and 4.7 acres of Residential-6 (total 20.62 acres) with 36 lots. Phase II will include 8.21 acres of Residential-4 and 46.39 acres of Residential-6 (total 54.6 acres) with 53 lots and 276 multi-family units. The property is located on the southwest side of Ebenezer Church Road, just west of Duraleigh Road at Arden Circle, outside the City Limits.

CR-5782 from the Planning Commission recommended that this request be approved according to a map entitled, "Arden Forest Cluster Unit Development," the property of Lightfoot Investments, Incorporated, drawn by Paton-Zucchino Associates, dated August 1, 1985, revised August 24, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval Congleton/Keller - 6 ayes.

***CP-3-85 - EAST RALEIGH PLANNING DISTRICT PLAN - APPROVED AS AMENDED

This was a request for approval to amend the Comprehensive Plan of the City of Raleigh to include this updated District Plan which includes policies and public facilities that will guide growth in this area of Raleigh.

CR-5783 from the Planning Commission recommended that CP-3-85 be approved as amended. These amendments include the following word changes: (1) On Page 27, Item d., Table C, the recommended use for the large parcel between Raleigh Boulevard, King Charles Road, and Glascock Street should be changed from "medium-to-high-density residential and low-intensity office and institutional" to "medium density residential and low-intensity office and institutional"; and (2) that a sentence be added to the next

to last paragraph on Page 17 that reads, "Crabtree Boulevard can be reevaluated for removal from the City's Transportation Plan if the overall Transportation Plan update for Raleigh/Cary/Garner and Wake County demonstrates that the road segment is not a necessity." Consent Agenda approval Congleton/Keller - 6 ayes.

RESOLUTION NO. (1985) 945

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and, as conditions warrant, to amend this plan as the official statement of City Council Policy concerning and future development of the City of Raleigh; and

WHEREAS, the Comprehensive Planning Committee of the City Council has coordinated the actions of the Citizens of the East Raleigh Planning District, the Comprehensive Planning Advisory Group, the City Planning Commission, the City Administration and various private interest groups to prepare a recommended plan for the East Raleigh Planning District; and

WHEREAS, the public hearing on proposed Amendment No. CP-3-85 was held before a joint meeting of the City Council and the Planning Commission on July 16, 1985;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the attached amendment, CP-3-85, be approved, revising the East Raleigh District Plan on Page 27 of the Comprehensive Plan adopted by Resolution No. (1979) 949, on June 19, 1979.

Section 2. That the facilities plans contained in the Comprehensive Plan are revised according to the provisions contained in the East Raleigh District Plan.

Section 3. In accepting this plan, the Council directs the administration to:

a. Review the recommendations and policies in the plan and its sub-area plan when considering land use decisions.

b. Utilize the statements regarding infill and reinvestment to maintain stability in the existing neighborhoods.

c. Use the plan to determine the need for infrastructure.

END OF PLANNING COMMISSION CONSENT AGENDA

***PA-98-85 - STUDENT CLUSTER HOUSING - APPROVED SUBJECT TO THE FACT THAT THE CITY HAS RIGHT-OF-WAY

This was a request for approval to add 3,552 square feet to an existing house on a .33 acre site, zoned Office and Institution-I to include four bedroom flats, bring the total number of units on the site to five. The property is located at the southwest corner of Gorman Street and Lexington Drive, north of Western Boulevard, inside the City Limits.

CR-5720 from the Planning Commission recommended that this request be approved according to a map entitled, "Student Cluster Housing," developed by Dr. Michale and Joyce McCall, drawn by Uwe Roth, Architect, dated August 20, 1985.

Planning Director Chapman explained the proposal. Ms. Block indicated she pulled this item from the Consent Agenda questioning if we have all the necessary right-of-way on Gorman Street which is to be widened shortly. Chief Engineer Thomas indicated the majority of the widening would be from State property. Ms. Block moved that the subdivision as recommended be approved subject to the fact that the City has the necessary right-of-way for the widening of Gorman Street. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-104-85 AND GH-28-85 - CLARENDON OAKS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval of 27 units in three buildings on a site of 2.03 acres, zoned Office and Institution-I, at a density of 13.3 units per acre. The property is located on New Bern Avenue, south side, east of Longview Shopping Center, inside the City Limits.

CR-5727 from the Planning Commission recommended that this request be approved according to a map entitled, "Clarendon Oaks," the property of Clarendon Oaks Partnership, drawn by Woodrow L. Yonts, dated July 22, 1985, with the condition that the existing private drive is approved by the Engineering Department as meeting City standards prior to building permit issuance, or the drive be reconstructed to meet City standards.

Planning Director Chapman explained the request. Chairman McNeely indicated this was referred to a subcommittee as there was questions about ingress and egress, garbage service, etc. Mr. Walters indicated the Department of Transportation has been working with him about the traffic situation in the vicinity of the Longview Garden Shopping Center. He indicated the entrance to this development is right at the Enloe High School entrance, the shopping center, etc. He explained the traffic access pointing out in his opinion the only way it should be approved is with access on Clarendon Crescent. He explained the plans call for a common drive coming through another business and he just does not feel that this is a good way of doing business. Therefore, he would like to refer this matter to Public Works Committee for study. His motion was seconded was by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-111-85 - FAST FARE - APPROVED WITH CONDITION

This was a request for approval to construct a 2,760 square foot building for retail use on a 0.72 acre lot zoned Neighborhood Business. The existing building on the site is to be removed. The property is located on the northwest corner at the intersection of Western Boulevard and Kent Road, inside the City Limits.

CR-5757 from the Planning Commission recommended that this request be approved according to a map entitled, "Fast Fare," the property of Fast Fare, drawn by Quick Associates, dated August 23, 1985, with the condition that a recombination map be recorded prior to issuance of building permits.

Planning Director Chapman explained the plan. Chairman McNeely indicated this item was on the Planning Commission's Consent Agenda but was pulled as the map was a little confusing. He stated, however, the plan meets all code requirements. Ms. Block indicated she pulled it from the Consent Agenda in the description of the location of the property it refers to the "Northwest" corner and she believes this should be the "Southeast" corner with Planning Director Chapman agreeing that is correct. Ms. Block moved approval of the Planning Commission's recommendation with the change in the description of the location. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-113-85 - BLUERIDGE TERRACE - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct an 88,500 square foot, 123-room hotel on a 5.46 acre undeveloped lot, zoned Office and Institution-II. The property is located on the east side of Blue Ridge Road, just south of Wade Avenue, outside the City Limits.

CR-5758 from the Planning Commission recommended that this request be approved according to a map entitled, "Blueridge Terrace," the property of PMC, Incorporated, drawn by Hakan/Corley Associates, dated July 31, 1985.

Mayor Upchurch indicated Ms. Cates asked that this item be pulled from the Consent Agenda and referred to Public Works Committee questioning the Council's wishes. Ms. Block moved that PA-113-85 be referred to Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-117-85 - HARDEE'S ADDITION - TOWER SHOPPING CENTER - APPROVED

This was as request for approval to construct a 220 square foot greenhouse addition to an existing 3,650 square foot building as a fast food restaurant. The site is 0.69 acre and is zoned Neighborhood Business. The property is located on the northwest corner at the intersection of U.S. 64 West and Trawick Road, inside the City Limits.

CR-5761 from the Planning Commission recommended that this request be approved according to a map entitled, "Hardee's Addition - Tower Shopping Center," the property of Boddie-Noell Enterprises, Incorporated, drawn by Boddie-Noell Enterprises, Incorporated, dated May 28, 1985.

Planning Director Chapman explained the plan. Ms. Block indicated in the minutes of the Planning Commission or somewhere she read that the parking area encroachs on Trawick Road right-of-way. Planning Director Chapman indicated that issue came before the Council last meeting relative to a minor encroachment. He pointed out Trawick Road at this location is at its proposed width and the encroachment probably would not have an affect on anything. He pointed out the owners were directed to contact the State relative to obtaining an encroachment agreement since Trawick Road is a State system street. Ms. Block moved approval of the Planning Commission recommendation. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-155-85 - LITTLE LAKE HILL - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 2.05 acre tract, zoned Residential-4, into six lots. The property is located on the south side of Leonard Street, just west of Dixie Trail, inside the City Limits.

CR-5776 from the Planning Commission recommended that this request be approved according to a map entitled, "Little Lake Hill, John E. Dougher, Owner, Leonard Street, Raleigh, N.C.," the property of John E. Dougher, submitted by Larry I. Chasak, revised date September 2, 1985.

Mayor Upchurch indicated this is one of the items that Ms. Cates had asked to be referred to Public Works Committee. Ms. Block moved that S-155-85 be referred to Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-159-85 - OLDE RALEIGH CLUSTER UNIT DEVELOPMENT - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 143 acre tract, zoned Residential-4, Residential-6, Office and Institution-III, and Shopping Center, into 151 lots and tracts. The property is located between Duraleigh Road and Laurel Hills Road, just north of Edwards Mill Road, inside the City Limits.

CR-5778 from the Planning Commission recommended that this request be approved according to a map entitled, "Olde Raleigh Preliminary Subdivision Plat," the property of William R. Henderson, submitted by McNeely and Associates, revised date September 4, 1985, with the following conditions: (1) That the street improvements to Laurel Hills Drive be waived until the City improves the entire street and then assess the property owners accordingly; and (2) that the developer be responsible for providing access from the subdivision to Boxwood Drive for emergency vehicles as approved by the Fire Department.

Mayor Upchurch indicated that Ms. Cates had requested that this item be referred to Committee but he also had some questions. Planning Director Chapman explained the proposal discussing the access, thoroughfares, etc. Mayor Upchurch questioned if this plan indicates that all of the streets are private streets pointing out it seems that that is a lot of area with no connector as there are only two exits from the Laurel Hill area. Ms. Block indicated the conditions relating to waiving improvements for Laurel Hills Drive bothered her. Mr. McNeely indicated the Agenda should have a third condition and that would relate to the Homeowners Association documents being approved by the City Attorney. He stated that was left off in error. Mr. Calloway moved that this subdivision be referred to Public Works Committee. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-161-85 AND GH-31-85 - TRAILWOOD GREEN - APPROVED

This was a request for approval of 100 condominium units on 10 acres, zoned Residential-10, connected to City utilities. The property is located on the south side of Lineberry Drive in the Trailwood Forest Subdivision, outside the City Limits.

CR-5780 from the Planning Commission recommended that this request be approved according to a map entitled, "Trailwood Green," the property of Alton L. Smith, Inc., drawn by L. A. Blakely Design Group, dated August 30, 1985.

Planning Director Chapman explained the plan. Ms. Block indicated that she had problems determining what section of the City this property is located in with Planning Director Chapman explaining the location. Ms. Block questioned the length of the number of cul-de-sacs in this development with Mr. Chapman indicating the maximum would be 500-600 feet. He stated all the cul-de-sacs meet code requirements. Ms. Block moved approval of the Planning Commission's recommendation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-162-85, PA-119-85 AND GH-29-85 - POYNER ROAD APARTMENTS - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval of 1,416 apartment units to be constructed on four lots with a total of 75.82 acres, zoned Office and Institution-I and Conservation/Buffer. The property is located south of U.S. 70 at Pleasant Valley Extension and Poyner Road, outside the City Limits.

CR-5781 from the Planning Commission recommended that this request be approved according to a map entitled, "Poyner Road Apartments," the property of Jyles Coggins, drawn by Paton-Zucchino and Associates, dated September 3, 1985, with the following conditions: (1) That a flood study is submitted to and approved by the Conservation Staff prior to the issuance of any permits or recording of any plats; and (2) that the special assessment fees associated with the water line in U.S. 70 be paid prior to recording of any lots.

Mayor Upchurch indicated Ms. Cates had requested that this item be referred to Committee. Ms. Block moved that this item be referred to Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-33-84 - WAIVER OF TWO-YEAR WAITING PERIOD - APPROVED

This was a request that the two-year zoning waiting period be waived on Z-33-84.

CR-5784 from the Planning Commission recommended that the two-year zoning waiting period be waived on Z-33-84 according to the letters attached to CR-5784.

Planning Director Chapman explained the original zoning and the request for a two-year waiting period. Mr. McNeely indicated the Planning Commission studied this item and considered it on the merits of waiving the wiating period not the proposed rezoning. He indicated it is felt that with the institution of conditional use zoning available to us now that conditions have been changed. Ms. Block indicated that this case was discussed at length and she was wondering if the waiver could be based on the fact that any rezoning would apply to school use only with the City Attorney indicating that that would not be allowed. Ms. Block pointed out if this cannot be restricted to school use if this is really a change from the first request. Planning Director Chapman indicated the previously request was for R-30 special use district and this request would be for O&I Conditional Use. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

***REZONING Z-60-84 AND Z-104-83 - REQUEST FOR WAIVER OF WAITING PERIOD - APPROVED

This was a request that the two-year zoning waiting period be waived on Z-60-84 and Z-104-83.

CR-5785 from the Planning Commission recommended that the two-year zoning waiting period be waived according to the letter attached to CR-5785.

Planning Director Chapman explained the two zoning cases and denial of Council. He indicated they want to file an O&I conditional use that differs from the R-10 original request. He indicated the request outlines the conditions that they would stipulate. Mr. McNeely indicated he understands that this is a clean up operation in the eyes of the petitioner. Discussion took place on the location of the rock quarry with Mr. Keller pointing out that there is a tremendous amount of O&I zoned property on this road and it is not being developed O&I but being developed residential. Planning Director Chapman indicated the O&I that is developed as residential is to the north with Planner Hicks indicating that most property has been rezoned Residential-10. Planning Director Chapman indicated the O&I conditional use they are requesting would include residential. Mayor Upchurch indicated according to the information received, the petitioners had been throughout the neighborhood and this request has tremendous support. Mr. Keller moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-80-85 - TO BE REFILED AS CONDITIONAL USE ZONING APPLICATION

This was a request that approval be granted to refile a conditional use zoning application on Z-80-85.

CR-5787 from the Planning Commission recommended that the request for approval to refile a conditional use zoning application on Z-80-85 be granted according to the letter attached to CR-5787.

Planning Director Chapman indicated rezoning application Z-80-85 is a pending case in the Planning Commission and the petitioner is requesting that they be allowed to refile the request. Chairman McNeely indicated the Planning Commission did not get into the merits of the proposed rezoning but at the public hearing there was discussion about the possibility of a conditional use. After brief discussion, Mr. Calloway moved the Planning Commission recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-106-85 - U.S. 70 WEST - APPROVED AS AMENDED

This was a request for approval to rezone approximately 1,726.8 acres from Wake County Residential-30, Heavy Commercial, Highway District, and Airport District-1 and 2 to City of Raleigh Thoroughfare-Conditional Use District.

CR-5788 from the Planning Commission recommended that Z-106-85 be approved as amended according to the attached minor amendments to Exhibits I and J of the rezoning application with the condition that a master land use plan, in accordance with the attached memorandum from the Assistant Planning Director, dated September 4, 1985, revised September 10, 1985, be prepared, submitted to the Planning Director and approved by the City Council prior to submittal of any site plans required under the Thoroughfare District.

Planning Director Chapman explained this item pointing out the applicant has submitted one amendment that consist of three parts and indicated the Planning Commission is recommending approval of the rezoning as amended by the applicant. He referred to the exhibits and how they were amended pointing out Exhibit 1 realigns some uses from one district to another but it maintains the overall controls and densities and Exhibit J just clarifies some definitions. He explained the master plan would be presented for consideration at a subsequent date. Mr. McNeely indicated the Planning Commission met as a committee of a whole to go over the revisions. Planning Director Chapman explained that various questions such as roads, water, sewer, etc., will be addressed in the master plan explaining no project will

go forward prior to approval of the master plan. After brief discussion, Mr. Walters moved approval of the Planning Commission's recommendation. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 639 ZC 169

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) U.S. 70 West, south side, between Airport Road and the Durham County Line, being numerous parcels as defined on a map entitled, "Perimeter Survey Map - Harlon Group/Airport Assemblage", prepared December 1, 1984, by Murphy Yelle and Associates, approximately 1726.8 acres rezoned to City of Raleigh Thoroughfare-Conditional Use District, per map on file in the City of Raleigh Planning Department which includes minor amendments to Exhibits I & J with the condition that a master land use plan be prepared, submitted to the Planning Director and approved by the City Council prior to submittal of any site plans required under the Thoroughfare District. (Z-106-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

***SUBDIVISION S-147-85 - GREGORY K. JOHNSON PROPERTY - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 3.6 acre tract, zoned Residential-4, into two lots. The property is located on the east side of Leesville Road, north of Ray Road, inside the City Limits.

CR-5772 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Subdivision Plan for Gregory K. Johnston, Leesville Road, Raleigh, N.C.," the property of Gregory K. Johnston, submitted by L. I. Chasak, dated July 18, 1985, with the following conditions: (1) That the subdivider connect to City water and sewer lines which will be extended to the property by the City and that the subdivider extend the water and sewer lines along the frontage of his property according to the City's Subdivision Regulations; and (2) that a variance be granted to the required street improvements (one-half of a thoroughfare width [65-foot back-to-back]) to Leesville Road.

Planning Director Chapman explained the subdivision. Mr. McNeely indicated this is a very frustrating case for the Planning Commission pointing out we do not have adequate tools to do anything to handle cases like this and the only option they had was to request the City Council to vote a variance. He stated there is no way the Planning Commission could grant the variance. Ms. Block pointed out this is a 3.6 acre tract of land being divided into two lots. She stated that those lots can be subdivided further. She questioned the frontage and the cost of the road frontage. Planning Director Chapman indicated the estimated cost of the street improvement would be $50,000 to $60,000. Mr. McNeely indicated this is a situation where a person can afford to build a house because his family is giving him a lot but if he has to spend to $50,000 to $60,000 for street improvements he could not build a house. Discussion took place on the cost of raw land in this area. Ms. Block stated she did not feel that we could go on the basis of cost with land as valuable as it is in this area. Ms. Block moved that the matter be referred to Public Works Committee to try to find a solution. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-68-85 - WAIVER OF TWO-YEAR WAITING PERIOD - DENIED

This was a request that the two-year zoning waiting period on Z-68-85 be waived.

CR-5786 from the Planning Commission recommended that the two-year waiting period be waived on Z-68-85 according to the letter attached to CR-5786.

Planning Director Chapman explained the request for waiver of the waiting period, the previous rezoning application and the proposed rezoning application. Mr. McNeely indicated this is an example of having to separate the elements that would allow waiver and try not to get into the merits of the case. He indicated the original request was for O&I and this request is for residential. He stated there have been changes in the area. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Keller indicated this request for waiver really bothers him. He explained it is a strictly residential area on the north side of the street and the City Council recently denied a request for O&I-I in this vicinity as it was intruding into the residential for development. He stated he does not see Residential-10 being that much different and he feels the street is a good dividing line between the residential and non-residential. Mr. Walters

indicated he feels if someone wants to come in and pay their $50 or $75 fee and file a rezoning application, they should be allowed to. The motion as stated was put to a vote with results as follows: Ayes - Upchurch, Walters, Calloway; Noes - Congleton, Keller, Block. The Mayor ruled the motion defeated.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***REZONING Z-60-85 - OLD WAKE FOREST ROAD TO BE PLACED ON OCTOBER 1 AS SPECIAL ITEM

Mr. Keller indicated the Law and Finance Committee recommends that this request for rezoning from Residential-6 to Office and Institution-I be denied. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block. Mr. Congleton indicated that Ms. Babb had asked that this item be put on hold for two weeks as the people involved are looking at alternatives. He indicated he is making the request as stated by Ms. Babb. Mr. Congleton moved that action on rezoning Z-60-85 be held for two weeks and placed on the October 1, 1985, Agenda as a special item. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TEXT CHANGES - PROPOSAL FOR FILING TEXT CHANGES - PUBLIC HEARING AUTHORIZED; ITEM RETAINED IN COMMITTEE

Mr. Keller reported Council Members received in their Agenda packet a proposed text change relating to filing of text changes. The Committee recommends that this proposal be forwarded to public hearing as soon as possible. The Committee requests that the remainder of the item - origin, management, and resolution of text changes remain in Committee for further study.

On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SEWER SYSTEM - REFUND OF PAYMENT - AUTHORIZED

Chairman Keller reported the Law and Finance Committee recommends a refund of interest in the amount of $73.58 be made to Amelia D. Grimes from utility refunds. This is the interest on a overpayment that was made by Ms. Grimes due to an error on the City's part.

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***MIDWAY MOBILE HOME PARK - ENLARGEMENT AND PAVING REQUIREMENTS - REQUEST FOR WAIVER DENIED

Chairman Keller reported the Law and Finance Committee recommends that the request to waive the requirements for paving in the Midway Mobile Home Park be denied. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***LEADMINE ROAD CONSTRUCTION - PUBLIC HEARING TO CONSIDER AMENDING COMPREHENSIVE PLAN AUTHORIZED

Chairman Keller indicated the Law and Finance Committee recommends that a public hearing be held to consider amending the Comprehensive Plan to change the status of the relocated Leadmine Road from a major thoroughfare to a minor thoroughfare classification. The changes are according to maps that were available at the meeting and included in the Agenda packets. As a matter of information, the Committee was advised that Administration will come back to the Council with recommendations relative to name and possible closing of the old Leadmine Road. It is understood that this would require a separate public hearing. He briefly explained the location pointing out this is the new portion of Leadmine Road. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***GREENWAYS - PROPOSED TEXT CHANGE TO EXTEND RESERVATION - AUTHORIZED DIRECTION GIVE TO ADMINISTRATION AND ITEM HELD IN COMMITTEE

Chairman Keller read the Law and Finance's recommendations as follows:

(1) The Committee recommends that staff be directed to prepare a text change which would extend the reservation of greenway property from the present seven months to one year and that this text change be advertised for public hearing as soon as possible.

(2) The Committee recommends that Administration be directed to split development of the facilities impact ordinances making open space, parks, etc., a separate item to be expedited as a top priority.

(3) The Committee is holding the item for study on matching funding for facilities impact funding.

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Ms. Block questioned if this recommendation would preclude the mandatory dedication of greenway easements. She indicated this would give transfer of density on the property but it would also help preserve greenway property. Mr. Keller explained the discussion that took place in Law and Finance Committee relative to the length of time to get a text change on mandatory dedication pointing out David King was at the meeting and indicated the recommendation being made by the Law and Finance Committee would help alleviate the problem. Ms. Block indicated she would vote for the motion but she wanted the Committee to continue to consider the mandatory dedication. Therefore, Mr. Keller amended his motion to that affect which was accepted by Mr. Congleton. The amended motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CP-7-85 - COLLECTOR STREET PLAN AMENDMENT/TYLERTON ROAD - RESOLUTION ADOPTED

Chairman Keller reported the Law and Finance Committee recommends approval of the plan amendment related to relocation of Tylerton Road with extension of Glendower, Lookout Mountain Road, and Laurel Mountain Road. A copy of the amendment and resolution was included in Council Members' Agenda packet. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION No. (1985) 946

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-7-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to the City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Tylerton Street area, revision to the Collector Street Plan is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Collector Street Plan of the Comprehensive Plan be amended by the relocation of a collector street known as Tylerton Drive in the attached amendment number CP-7-85.

***GTE SPRINT TELECOMMUNICATIONS TOWER - HEARING CONTINUED UNTIL OCTOBER 15; ITEM RETAINED IN LAW AND FINANCE COMMITTEE

Chairman Keller reported the Law and Finance Committee recommends that the hearing on the special use permit requested by GTE be continued until the October 15, 1985, Council Meeting so that the Law and Finance Committee may receive further input concerning alternative possibilities. Mr. Keller indicated the Agenda had stated October 1, but explained GTE is exploring alternatives and would not have enough time by the October 1 meeting, therefore, the change to the October 15 meeting. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***SUBDIVISION S-133-85 - SIMMONS BRANCH TOWNHOMES - APPROVED WITH CONDITIONS

Chairperson Block reported the Public Works Committee recommends that this project be approved according to a map entitled, "Simmons Branch Townhomes, property of 727 Associates," the property of 727 Associates, submitted by Kenneth Martin, undated, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; (2) that a flood study be completed prior to issuance of any permits; and (3) that required improvements to Lundy Drive be constructed or surety provided prior to recording the final plats. Ms. Block indicated in addition to the three conditions outlined, the Public Works Committee recommends a further condition that the developer post a bond or letter of credit in the amount of $101,805 relating to the street improvements to Lundy Drive and with the further conditions that the units would not be built on slaps but they would have crawl space underneath them. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Walters. Discussion took place with it being pointed out that the developer could post the bond or if he does the street improvements, he could make that payment up front in cash and that figure would be based on the actual cost rather than assessment cost. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STREET IMPROVEMENTS - LUNDY DRIVE - RESOLUTION ADOPTED

Chairman person Block reported the Public Works Committee recommends the adoption of a resolution directing the installation of curbs, gutters, drains, and paving 31 feet back-to-back on Lundy Drive from Jones Franklin Road to the cul-de-sac. Ms. Block indicated in addition this recommendation is made with the understanding that the developer would be paying his share of the actual cost of constructing the street up front or would be allowed to post the bond as outlined in Subdivision S-133-85 - Simmons Branch Townhomes ($101,805). She stated with those additions she would recommend the Public Works Committee recommendation be upheld. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-947

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving 31 feet back-to-back on Lundy Drive from Jones Franklin Road to the cul-de-sac. It is understood that the developer of Simmons Branch Townhomes (Subdivision S-133-85) would be paying his share of the actual cost of constructing the street up front or would be allowed to post a bond or letter of credit as outlined in the subdivision approval in the amount of $101,805.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 9/17/85

***SPECIAL USE PERMITS - VARIOUS ACTIONS TAKEN - PUBLIC HEARING AUTHORIZED

Ms. Block reported that the City Council had referred to Committee the question of whether time limitations should be established on the issuance of special use permits. After reviewing the current enforcement procedure, the Committee recommends the following:

(1) Maintenance of the current Inspections Department procedure of reviewing special use permits after six months and responding to complaints to ensure that properties with special use permits are in compliance.

(2) Leaving the system in place in which any citizen may request the Inspections Department's review of a property with a special use permit. If a citizen or a group of citizens disagree with administrative ruling, they may appeal to the Board of Adjustment.

(3) Included in Council Members' Agenda packet was a proposed ordinance that adds an abandonment process based on a permit being voided if another use is made of a property other than that for which the special use permit was issued. The ordinance also clarifies under what circumstances properties subject to a special use permit may change their size, exterior appearance, intensity, off-street parking requirements or use. The Committee recommends that this ordinance be scheduled for a public hearing at the November zoning hearings.

Ms. Block briefly explained the recommendation and on the behalf of the Committee, moved the recommendations as outlined be upheld. Her motion was seconded by Mr.

Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***HILLSBOROUGH STREET - VARIOUS REQUESTS RELATING TO THE ELECTRIC COMPANY - APPROVED WITH CONDITIONS OTHER INFORMATION RECEIVED

Chairperson Block reported the Public Works Committee makes the following recommendations relating to the various requests at 2526 Hillsborough Street:

(1) The Committee recommends approval of plans as presented for The Electric Company for trees, benches, trash receptacles, and sidewalk pattern.

(2) The Committee recommends that the developer of The Electric Company be allowed to install brick sidewalks adjacent to their property with the condition that they provide a bond or letter of credit in an amount to cover removal of the brick pavers and install concrete sidewalks if the remainder of the block has not converted to brick pavers within one year.

(3) The Committee recommends that the hearing on the proposed Pedestrian Business District be held at the earliest possible date.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ENCROACHMENT - VARIOUS CHANGES AUTHORIZED; AGREEMENT WITH SOUTHERNNET AUTHORIZED

Ms. Block reported the Public Works Committee recommends approval of the following recommendations for encroachment agreements:

(1) Impose a $50 fee for all encroachment agreements, due after an agreement is approved by Council and before the agreement is executed;

(2) Establish guidelines for Administration to use in recommending approval or denial of encroachment requests to Council;

(3) Require parties requesting encroachments to submit additional information to support their requests that would be incorporated in an application form;

(4) Establish a fee of 48 cents per linear foot per year for the use of the right-of-way for transmission devices, except for those installed by franchise holders;

(5) Impose criminal and civil penalties on anyone who encroaches upon or works in the right-of-way without proper authorization from the City; and,

(6) Raise the minimum bond and insurance requirements for permission to encroach upon and work in the right-of-way.

The Committee recommends that the encroachment agreement requested by SouthernNet, Inc., be approved subject to the above conditions.

Ms. Block indicated criteria as mentioned in Section 2 should be as follows: (1) does the encroachment benefit the public? (2) does the encroachment endanger or enhance public safety in any manner? (3) can the encroachment be accommodated in the right of way? Specifically, is there adequate space? Will it interfer with any existing or proposed installations in the right of way? Will the presence of this encroachment make future right of way work more hazardous expensive or complex? (4) The encroachment is subject to removal at the City's request. (5) The City is to be held harmless against any liability for damage due to the installation. On behalf of the Committee, Ms. Block moved the recommendations as outlined up upheld. Her motion was seconded by Mr. Calloway. Mr. Walters stated he was not sure he understood all of this with City Manager Benton indicating the City Staff has been working with the Committee and if this is approved the Administration would set up a procedure. City Attorney McCormick indicated the only question he would raise is to what would happen as far as to penalties for existing encroachments. He explained particularly in the downtown area, we have a number of encroachments on the right of way and they are not discovered until a building transfers ownership, is renovated, etc. Ms. Block indicated when they are discovered they would come in to get approval. Mr. Calloway pointed out that focus in the Committee was primarily relating to excavation in the right of way with Ms. Block pointing out she feels we need this type policy in place. After brief discussion, Ms. Block agreed to amend Item 5 as follows: Impose criminal and civil penalties on anyone who excavates in the public right of way without proper authorization from the City. Mayor Upchurch indicated as he understands the amended recommendation the $50 fee would apply to any type encroachment and the civil and criminal penalties would be limited to encroachments requiring excavation in the right of way. After discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 639 A

AN ORDINANCE CONCERNING ENCROACHMENTS ONTO THE PUBLIC RIGHT-OF-WAY.

WHEREAS, the Raleigh City Council finds that transmission devices located on public rights-of-way because of their length, and methods of installation generally

require more City inspection and supervision than other kinds of encroachments; and

WHEREAS, the failure to charge for locating transmission devices in public rights-of-way will encourage their location in the public rights-of-way by discouraging alternate technologies and locations; and

WHEREAS, installers of transmission devices are businesses and should pay for using public rights-of-way in some manner as gas, telephone, cable, and electric companies do which is approximately forty-eight cents per linear foot per year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The words "Part 9, Chapter 7 of the Raleigh City Code" appearing at the end of Section 7-2001(a)(3) are deleted and in lieu thereof the following is inserted: "this Code".

Section 2. The insurance amounts contained in Section 7-2001(b)(1) are changed to read: "three hundred thousand dollars ($300,000.00), five hundred thousand dollars ($500,000.00), and three hundred thousand dollars ($300,000.00)", respectively.

Section 3. The bond amount contained in Section 7-2001(b)(2) is changed to read: "five thousand dollars ($5,000.00)".

Section 4. Section 7-2001(e)(2) of the Raleigh City Code is amended to conform to Section 12-1022(b) by inserting after the words "hold harmless the City" the following language: " , its officers, councilmen, and employees from".

Section 5. Section 7-2001(i) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(i) Penalty for violation. Any person who shall do or undertake to do any of the work, things or activities set forth in subsection (a) above in violation of any of the provisions of Section 7-2001 shall be guilty of a misdemeanor and shall upon conviction be punished as in such cases provided by statute. In addition to this criminal remedy and any other authorized remedy, any person who excavates or excavated in violation of any provision of Section 7-2001 shall be subject in the sole discretion of the City Council to a civil penalty of not more than two-hundred dollars for each activity. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. The Council shall determine the amount of civil penalty to be assessed and shall make a written demand for payment upon the person responsible for the violation and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City in the appropriate division of the general court of justice of Wake County for recovery of the penalty.".

Section 6. The cross-reference following Raleigh City Code Section 7-2001(i) is amended to replace the period with a semicolon and to insert thereafter the following language: "City Council approval required for private use of public rights-of-way or sidewalks, §12-1022 and Part 12, Ch. 1 Article A.".

Section 7. The third sentence of Section 12-1022(a) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follow:

"Users of the sidewalk or public right-of-way shall post indemnity with a surety or liability insurance in accordance with 7-2001(b)(1).".

Section 8. Section 12-1022(a) of the Raleigh City Code is hereby amended to add five new sentences which shall follow the fourth sentence and shall read as follows:

"Encroachments for transmission devices for any type shall pay a fee at the rate of four cents per linear foot per month of use; said fee shall be collected prospectively on an annual basis. Al users of the sidewalk or public right-of-way shall pay an administrative charge of fifty dollars ($50.00) which partially defrays the City's expense in keeping records and processing these requests. Upon construction of the encroachment the user shall submit to the City as built drawings showing the precise location of the encroachment, and in the case of encroachments for transmission devices the drawing shall also show the location of other utilities in the public right-of-way or sidewalk. Permission for the use of the public rights-of-way or sidewalks shall not relieve the petitioner from compliance with any other requirement of this Code. Permission for the use of the sidewalk or public rights-of-way for any use permitted herein shall be subject to revocation by the Council at will.".

Section 9. Section 12-1022(a) of the Raleigh City Code is hereby amended to add a new last paragraph which shall read as follows:

"Any person, partnership, firm, corporation or any other entity who shall use a sidewalk or public right-of-way without first obtaining the approval of the City Council shall be guilty of a misdemeanor and shall upon conviction be punished

as in such cases provided by statute. In addition to this criminal remedy and any other authorized remedy, any person, partnership, firm, corporation or any other entity who excavates or excavated in a sidewalk or public right-of-way without first obtaining the approval of the City Council shall be subject in the sole discretion of the Council to a civil penalty of not more than two-hundred dollars ($200.00) plus ten dollars ($10.00) for each continuous day of use. No penalty shall be assessed until the alleged violator has been notified of the violation. The Council shall determine the amount of the civil penalty to be assessed and shall make a written demand for payment upon the person, partnership, firm, corporation or entity responsible for the violation and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City in the appropriate division of the general court of justice of Wake County for recovery of the penalty.".

Section 10. Section 12-1022(a) is hereby amended to add to the end thereof the following state law cross-references:

"State Law reference: trespass on land G.S. 14-134.

Cross-reference: awnings, canopies, marquees, signs and other projections over sidewalks §12-1001; permit for working in, upon, over, under or adjacent streets and sidewalks §7-2001.".

Section 11. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 12. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this ed of the provisions of this ordinance are declared to be severable.

Section 13. This ordinance shall become effective nineteen (19) days following its adoption.

ADOPTED: 9/17/85

EFFECTIVE: 10/7/85

***STREET CLOSING - OLD LASSITER MILL ROAD +- RESOLUTION OF INTEND ADOPTED

Chairperson Block reported the Public Works Committee recommends adoption of a Resolution of Intent setting a public hearing for the closing of a portion of Old Lassiter Mill Road, located at the northern intersection of Old Lassiter Mill Road and Lassiter Mill Road. The following conditions should be included in the Resolution of Intent:

(1) That the curb and gutter along Lassiter Mill Road be restored, the paving be removed from the abandoned right-of-way, and the area be seeded and that an appropriate turnaround be constructed at the end of Old Lassiter Mill Road.

(2) That a subdivision application be submitted for City Council approval of the right-of-way dedication required for the turnaround at the closed portion of the street prior to the effective closing of the street.

(3) That 20-foot easements be retained and recorded for water and sewer mains located in subject right-of-way and a 10-foot easement be recorded for an existing gas line located on-site.

(4) That the cost for closing the street be borne by the petitioning property owners.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. The motion was seconded by Mr. Calloway. Ms. Block explained there was a lot of discussion about this in Committee and it was pointed out that approximately 450 vehicles use this street each day. She explained there are no accidents and while the Committee is recommending that the item go to public hearing the Committee is not necessarily recommending that the street be closed. She stated, however, due to the number of people who signed the petition and the fact that they are willing to pay for actually closing the street, the Committee agreed to send it to public hearing. She stated if the Committee had been voting on whether to close the street or not then the recommendation would not have been unanimous but the recommendation was unanimously in sending the item to public hearing. Mr. Keller stated he saw no need to go to public hearing with this item as the public hearing is an expensive, time consuming gesture if the Council has no intend of closing the street. Therefore, he made a substitute motion to deny the request for petition to close the street. The substitute motion did not receive a second and the original motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 948

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF OLD LASSITER MILL ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

That portion of Old Lassiter Mill Road between Lot 14 bounded by the northwest right of way of said street and Lot 280 bounded by the southeast right of way of said street; said block of said street including Lots 263, 57, 52, 58, 15 and 14 bounded by the northwest right of way of said street and Lots 728, 737, 729 and 280 bounded by the southeast right of way of said street.

CONDITIONS OF CLOSING:

(1) That the curb and gutter along Lassiter Mill Road be restored, the paving be removed from the abandoned right-of-way, and the area be seeded and that an appropriate turnaround be constructed at the end of Old Lassiter Mill Road.

(2) That a subdivision application be submitted for City Council approval of the right-of-way dedication required for the turnaround at the closed portion of the street prior to the effective closing of the street.

(3) That 20-foot easements be retained and recorded for water and sewer mains located in subject right-of-way and a 10-foot easement be recorded for an existing gas line located on-site.

(4) That the cost for closing the street be borne by the petitioning property owners.

***TC-2-85 - PROCEDURES FOR GRANTING GRADING PERMITS - HELD

Ms. Block indicated the Committee had made a recommendation on this item but without objection, she would like to hold that recommendation. Without objection, the item was held.

***WATER BILL - 3709 SUMMER PLACE - REDUCED AND GIVEN TIME TO PAY

Chairperson Block reported the Public Works Committee recommends that this water bill at 3709 Summer Place ($1,798) be reduced to $627 with the property owner being given one year to pay the bill without interest. On behalf of this Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-139-85 AND SC-35-85 - WESTGROVE TOWERS CONDOMINIUMS - APPROVED WITH CONDITIONS

Ms. Block indicated these two items were referred to Committee to determine if the projects could be built without damaging downstream property. Ms. Block indicated the Public Works Committee recommends that this request be approved according to a map entitled, "Westgrove Towers Condominiums," the property of Westgrove Associates, drawn by Envirotek, Incorporated, dated July 31, 1985, with the following conditions:

1. That the private street name be approved by the City prior to issuance of building permits.

2. That a flood study be submitted to and approved by the Inspections Division prior to the issuance of any permits to determine the impacts of flooding on adjacent properties. Storm drainage should be approved by the Engineering and Inspections Departments at the construction drawing stage.

3. That the variance to Section 10-3049(g)(1) be approved by the City Council.

4. That the developer's engineer submit engineering calculations to City staff to determine the structural integrity of the existing and proposed installation.

5. That the necessary flood easements on adjacent properties be obtained from adjacent property owners prior to recording, subject to approval of the Conservation Engineer.

NOTE: The developer has agreed that the existing culvert and fill as well as the proposed fill for the private street will comply with structural integrity required of the State Dam Safety Act.

Ms. Block explained the recommendation in detail including the number of units, number of acres, number of stories, parking spaces, etc. She explained it is a major change in the type of things we are seeing in our City. She pointed out it is condo for sale. She explained the current situation as it relates to flooding and the impact of this project and how that will be handled. Ms. Block moved the Public Works Committee's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***SHELLEY PARK/GREENWAY MASTER PLAN UPDATE - REMOVED FROM THE AGENDA

Mr. Congleton indicated the Comprehensive Planning Committee recommends that this item be reported out with no action taken. On behalf of the Committee, Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-133-84 - SALEM WOODS - REFERRED TO ADMINISTRATION

Mr. Congleton indicated the Comprehensive Planning Committee recommends that this item be reported out with no action taken as the applicant is not ready to move forward with the plan. It is recommended that the subdivision be referred back to Administration with the understanding that the applicant will come back to Administration when he is ready to proceed. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PRIMARY WATERSHED PROTECTION AREA - PRIVATE STREETS - PUBLIC HEARING AUTHORIZED

Mr. Congleton indicated the Comprehensive Planning Committee recommends that the City Council initiate a text change that would permit private streets in the Primary Reservoir Watershed Protection Area with the understanding that this text change would go to a special joint public hearing with the Planning Commission in October. On behalf of the Committee, Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Congleton briefly explained the Comprehensive Planning Committee's discussion on this item. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMPREHENSIVE PLAN - COLLECTOR STREET PLAN REVISION - PUBLIC HEARING AUTHORIZED

Mr. Congelton reported the Comprehensive Planning Committee recommends that this item be scheduled for public hearing at a special joint hearing with the Planning Commission in October to consider removal of a section of Cold Springs Road and Danube from the Collector Street Plan. Information will be available at the meeting showing the recommended addition to the Collector Street Plan to serve this area. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***COMMITTEE APPOINTMENTS - VARIOUS - APPOINTMENTS MADE

Mr. Walters reported during the September 3, Council Meeting, the following recommendations were made by the Nominating Committee. No nominations were made from the floor, therefore, it would be appropriate for the City Council to confirm the following appointments/reappointments:

Arts Commission - Pat Funderburk

Human Resources and Human Relations Advisory Committee - George Sanders

Planning Commission - John E. Rice

Transit Authority - Pat Pierce

Mayor's Committee on Services to the Handicapped - Suzanne Bradley

Downtown Advisory Committee - John E. Greene, Seth Gaskill, and John H. Parker

On behalf of the Committee, Mr. Walters moved recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMMITTEES - NOMINATIONS - RECEIVED - TO BE PLACED ON OCTOBER 1 AGENDA

The Nominating Committee recommends the following appointments/reappointments. This is a first announcement, therefore, no action would be taken other than open the floor to nominations:

Appearance Commission - Reappointment of David Malette, Jr.

Board of Adjustment - Reappointment of J. Tate Lanning

Arts Commission - Appointment of Katie McKoy

Downtown Advisory Committee - Mr. Walters indicated the Transit Authority and Planning Commission liaison representatives need to be appointed. The Transit Authority recommends that Joseph Edwards be appointed and the Planning Commission recommends that Mary Smith be appointed as their liaison representatives.

Human Resources and Human Relations Advisory Committee - In accordance with the City Code section relative to attendance on various Boards and Commissions, the Nominating Committee recommends that Mrs. Willie High be removed from the Human Resources and Human Relations Advisory Committee and that position be declared vacant with the understanding the Nominating Committee will be taking nominations at its next meeting.

Mr. Congleton indicated as far as the Downtown Advisory Committee is concerned there is an at large vacancy pending in the Nominating Committee. He indicated he had recommended Fred Bevins and through error, Fred Bevins name appears on the Advisory Task Force on Housing but his nomination was meant for the Downtown Advisory Committee at large. Therefore, he would like to nominate him. Mr. Walters nominated Tom Worth. Ms. Block indicated there was an item pending in Committee on Housing Appeals Board and she had a name she wanted to submit. She passed the information to Mr. Walters. No further action was taken.

***NOMINATING COMMITTEE - PROCESS - CLARIFIED

Mr. Walters indicated the Nominating Committee recommends that the commencement date of the three month rotation system on the Nominating Committee be established as August 6, 1985, the date that the process was approved by the City Council. This would mean that the present Nominating Committee would serve until a new committee is named on November 5 (the present Nominating Committee was appointed on July 2, and they convened and came up with a nominating process that was approved by City Council on August 6). On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Discussion took place as to whether the Nominating Committees duties started on July 2 or August 6 with Mr. Congleton indicating he would like to see this Committee serve through the end of November pointing out a new Council is coming on board and there will be at least four new members. He stated of the present Council, if a new Committee were appointed the first of November, they would only have one month to serve as there would be only two persons on Council now that are not on the Nominating Committee but would possibly be returning to Council. Ms. Block indicated she thought appointments of Committees were the prerogative of the Mayor with Mr. Walters indicating the Mayor makes appointments subject to confirmation of the City Council. After brief discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

***CARY - ETJ - REMOVED FROM THE AGENDA

Mr. Calloway reported the Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ETJ EXTENSION - YMCA PROPERTY - REMOVED FROM THE AGENDA - ITEM STILL IN LAW AND FINANCE COMMITTEE

Mr. Calloway indicated the Committee recommends removal of this item from the Agenda with no action taken pointing out it had been forwarded to the County in our large ETJ request. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Congleton indicated there is a question related to this item in Law and Finance Committee with it being reported the item still remains in Law and Finance Committee.

***SIDEWALKS - WESTERN BOULEVARD - CITY TO SUBMIT ENCROACHMENT DOCUMENTS TO STATE

Mr. Calloway indicated the Intergovernmental Liaison Committee recommends that the Engineering Department be authorized to submit encroachment documents to the State for the installation of a footpath that will be within the State right-of-way of Western Boulevard between Gorman Street and Avent Ferry Road. The item is being held in Committee pending reply from the State. Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***TRANSIT TRANSFER BLOCK - AGREEMENT CONCERNING TRADE OF PROPERTY - AUTHORIZED

Mr. Walters indicated the Real Estate Committee recommends that the City Council approve an agreement concerning the trade of property and development of property owner on Hargett Street which is adjacent to the transit transfer site. The agreement is with Burns-Simmons Associates. He indicated Council members received a copy of the agreement attached to the report and recommendation of the Real Estate Committee. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMMUNITY DEVELOPMENT - VARIOUS ITEMS - APPROVED

Mr. Walters indicated the Real Estate Committee recommends: (a) The fair market acquisition value of $11,250 for purchase of property at 612 Hay Lane and (b) the

fair market acquisition value of $22,500 for purchase of property at 522 and 526 East Davie Street. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF THE ARTS COMMISSION

***ARTS COMMISSION - INFORMATION RECEIVED

Fred T. Parker, III, Chairman of the Arts Commission, was at the meeting and presenting Council members with an annual report dated June 30, 1985. He indicated the past year has been an exciting one for the Commission indicating one of the key accomplishment was the hiring of C. W. Shaver and Company as consultants to develop the cultural arts action plan. He indicated in addition ArtsPlosure again proved very successful. He pointed out another highlight was the exhibits in the Municipal Building pointing out presently the quilt exhibit is creating a lot of excitement and visits to the Municipal Building. He indicated sculpture from the Northern Telecom Gallery is being utilized around the clock on the Fayetteville Street Mall pointing out he feels very fortunate that Northern Telecom assisted in this matter. He briefly went over the report indicating he would be glad to answer questions about the work of the Arts Commission. The report was received with the Council commending the Arts Commission for their work.

REPORT OF THE RALEIGH CITIZENS ADVISORY COUNCIL

***RCAC - REPORT - REFERRED TO ADMINISTRATION

Bernadine Weddington indicated last month (August 12) the Mayor asked her to present a list of RCAC concerns and they are as follows:

Comprehensive Plan

We wonder whether there is any adherence to the plan. In the current updates, acreage needs for particular zoning districts are set to the rezoning in the category continues. While we asked for a review (in December 1984) of the viability of the Plan, we have not heard from the Council on this issue.

Definition of Density

The RCAC is concerned about the changing of the traditional definition of density used in the City's comprehensive plan. There has been a general understanding by interested citizens that low density meant R-4 and under, medium density meant R-6, and high density meant R-10 and above. (See "Raleigh Neighborhoods" published under a comprehensive planning grant in May 1974. Refers to "zoned to high density residential (R-10). Also see CP-2-81 (Creedmoor Road Corridor Plan). This cited the pattern in low density residential areas at less than eight units per acres, while high density residential areas called for eight units per acre or above.)

The adopted district updates now use the following definition: Low density (less than eight units per acre), medium (8-14 units per acre), and high density (15 units per acre and above).

This "collapsing" of zoning categories into wider groups than previously existed may have the undesirable effect of making acceptable what previously had been defined as incompatible and ignoring workable policies which provide for transition.

Public accountability demand that fundamental changes should have identifiable sponsors and written justification for the changes. Therefore we are asking why the definitions were changes and who sponsored them?

Text Changes

We are aware that the origin, management, and resolution of text changes is also a concern of the Council and is now under study by the Law and Finance Committee. We have no problem with individuals submitting a text change, but we do feel that background information should be included with the text change so that reviewers and the general public will have the benefit of that information. However, we do not feel that the Council has to change the code routinely to accommodate individual inconvenience. And, while this is not always a problem, we think there should always be adequate time for review of the text changes.

Roads

I have been in correspondence with the Mayor about the road bond projects and we hope that the public meetings for review of proposed designs will be held soon, particularly in view of the completion dates outlined in Mr. Thomas' August 1 status report.

Coliseum and Arts Complex

Our members would like to know if there is any public interest in these facilities? To our knowledge, there has been no general query of the public as to its wishes. This is not to say that there might not be a great desire for these facilities, but we think the question should be asked of the citizenry before plans are developed. Additionally, such plans should be developed entirely by the private sector without City involvement. Local government participation and sponsorship in entertainment ventures does not prove profitable.

Water Resources

We have always gone on record that the protection of water resources is priority one and still feel that it is your responsibility to assure your constituents that you will also place that as your first priority.

Ms. Weddington indicated on today's Agenda there are 10 proposed text changes. She stated they would like that are recommended public hearing indicating the RCAC would like to have copies of these either today or early tomorrow. She indicates she does not feel that two weeks is adequate time to review these proposed text change indicating the Agenda is recommending a special hearing on October 15.

Mayor Upchurch expressed appreciation to Ms. Weddington for the report indicating one item related to the coliseum and arts complex pointing out the RCAC represents the citizens and the citizens should let the City Council know what they want. He indicated as far as these two projects are concerned that that much money has not been spent and the citizens should let the Council know what they want.

Ms. Block indicated the comments relating to the comprehensive plan in which there have been comments that needs have been met in several areas should be addressed. She stated that information should be made available to the next Council. She stated she would like to have the information herself but the next Council should definitely have it. She stated this has been a concern of the RCAC for sometime and also indicated the RCAC has been concerned for some time about the change in the density definition and she feels that that question should be answered. She stated that the report in her opinion is a good summary of the questions she has heard. Ms. Block moved that this report be referred to Administration and this information could be referred to the next City Council. Without objection, it was agreed to refer the report to Administration to provide information to the next Council.

Mr. Walters indicated many years of work went into the development of the comprehensive plan and he thought we were going to have annual reviews of that plan. He stated we have not had any good review and the 16 member Advisory Committee sort of fell by the way side. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***WATER SYSTEM HYDRAULIC STUDY - CONTRACT AWARDED TO PITOMETER ASSOCIATES - FUNDS APPROPRIATED

City Manager Benton indicated periodically, the City has retained a firm to review and analyze the water distribution system and provide recommendations for the location and size of water mains, pump stations, and storage facilities. The last study was completed in 1979. The significant growth rates now being experienced by the City plus the expansion of service areas into the Perry Creek, Neuse River, Turkey Creek, and Brier Creek basins warrant commencement of a study update. Pitometer Associates has prepared these studies in the past and are familiar with the Raleigh system. A negotiated arrangement has been developed which includes a fee of $127,000. This study would also include a computer based model of our system to facilitate updating of the study for use in assessing the impact of growth on the water system. The project is expected to be completed in nine months. A copy of the agreement was in the Agenda packet.

Recommendation: Approval of the agreement with Pitometer Associates and a transfer of $137,000 from Capital Reserve-P.U. be authorized. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 638 TF 5

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	G. F. Contingency	$ 2,000.00
To 01-2-1220-0265	Other Services	2,000.00
Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00

Purpose: For Crabtree Creek Sewer Outfall - Section II.

From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00

Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.

From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00

Purpose: Change Order - New Bern Park - Smith Utilities.

From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00

Purpose: To provide equipment for new employee.

From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00

Purpose: To pay appraiser for appraisal work for City Market Project.

From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97

Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.

From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00

Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.

Adopted: 9/17/85

ORDINANCE NO. (1985) 637

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget Ordinance be amended as follows to reflect acceptance of funds from Run For Oaks to purchase trees:

Revenue:	37-1-0070-0200	Park Imp. - Misc. Income	$2,743.79
Expense:	37-2-3000-0202	Run For Oaks	$2,743.79

Section 2. That the 1985-1986 Budget Ordinance be amended as follows:

Revenue:	37-1-0070-0200	Park Imp. Misc. Income	$1,000.00
Expense:	37-2-3000-0203	Safety Program	$1,000.00

Section 3. That the 1985/1986 Budget Ordinance be amended as follows to create the funding for the hydraulic study of water distribution system:

Revenue:	06-1-7100-0001	Capital Reserve	$137,000.00
Expense:	06-207100-0112	Hydraulic Study	$127,000.00
	06-207100-0700	Computer Equipment	10,000.00

Section 4. That the 1985/1986 Budget Ordinance be amended as follows to reflect the acceptance of $10,000 grant for the International Folk Festival from the State:

Revenue:	01-1-0070-0200	Misc.	$10,000.00
Expense:	01-2-1050-0493	International Folk Festival	$10,000.00

Adopted: 9/17/85

***BAIN REPUMP STATION - BIDS REJECTED ITEM HELD

City Manager Benton explained bids have been received for the Bain Repump Station on the water distribution system. A copy of the bid tabulation was included in the Agenda packet. The bids are more than 30 percent over the budget and estimates. Due to the high amount of the bids, the absence of a current water pressure problem, and the commencement of the water distribution system study, rejection of these bids should be considered.

Recommendation: That the bids be rejected and the project held until the water system study is completed. Mr. Congleton moved the Manager's recommendation be upheld. His motion was by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***LEAF COLLECTION PROGRAM - INFORMATION RECEIVED

City Manager Benton indicated Council members received in their Agenda packet a report on the 85-86 leaf collection plan. He indicated Mac Jones was at the meeting and would be glad to answer any questions the Council may have. He indicated the Council did approve money for additional equipment so it is felt that we can expedite the amount of work done. Mr. Walters questioned if this schedule is going to be sent out in the water bills with Mr. Benton indicating this would be done. Brief discussion took place on the fact that some of the areas have different amounts of time with Mr. Jones pointing out this reflects the amount of loads that were picked up in those areas last year and also explained that Area 1 will get two pickups before Christmas. Mr. Walters indicated there is a problem in some of the areas around schools as the pickup time would have to occur during a period that school is not in session because of on-street parking. Mr. Jones indicated that problem exists in many parts of town and the only possibility is to do pickups in those areas during vacation period. Discussion took place on the rotation after which Mr. Congleton moved the program as presented be approved. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***RALEIGH-DURHAM AIRPORT AUTHORITY - GRANT ACCEPTANCE AUTHORIZED SUBJECT TO CITY ATTORNEY APPROVAL

Reginald L. Weaver, Airport Engineer, indicated the Airport Authority has been informed that a tentative allocation may be announced that could lead to funding for the terminal complex site preparation in the amount of approximately $4 million. He indicated if issued by the FAA, the grant would nearly entirely be derived from discretionary funding in the 1985 fiscal year meaning that the grant offer must be fully executed by September 30, 1985. He briefly explained the project pointing out as soon as the allocation is send out, they would forward the grant offer to the Council for review and consideration. Mr. Walters moved acceptance of the grant and execution of the grant document subject to approval by the City Attorney. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***HILLSBOROUGH STREET - STREETSCAPE IMPROVEMENT PROJECT - INFORMATION RECEIVED

It was pointed out one of the City's Capital project is the improvement to the streetscape in the first two blocks of Hillsborough Street. Chuck Flink presented the master plan which is to be coordinated with some improvements to the New Bern Corridor. He presented the master plan pointing out it illustrates simplicity and is designed to clean up the area, plant new trees, remove the old sidewalks, replace it with concrete pavers and put the utility lines underground. He indicated the plans call for going with a historical street light and for removing some of the visual clutter. He pointed out there are plans for an underground utility corridor and with the street pavers suggested, any time utilities have to be changed, the sidewalk can just be removed and replaced and no harm. He indicated the plan call for 1920 style street lights and historic traffic signal poles. He stated the signals will be on spans of wire between the poles. The street lights will be on a short arm on the street light pole. He also explained a plan to use granite curbing with it being pointed out some of this has been removed from other locations in town and have been saved and can be reused. In response to questioning from Ms. Block, it was pointed out that the concrete sidewalk pavers are not slick and they are less expensive than brick but more expensive than poured concrete. The information was received.

***CITY ART GALLERY - MANAGER AUTHORIZED TO EXECUTE LEASE GUARANTEE AGREEMENT

City Manager Benton explained the City Art Gallery has been pursuing various alternative sites for their facility. They have now developed a working plan with the owner of the property at 218-220 South Blount Street which provides for a long-term lease for the City Art Gallery. A copy of the terms and conditions are included in the Agenda packet. This property is contiguous to the Transit-Transfer Mall project. The involvement of the City is to provide a lease guaranty of $35,000 per year for the first five years and $25,000 per year for the next five years. The City has committed to an appropriation of $80,000 for the past year and for 1985-86.

Recommendation: That the City Council authorize the execution by the City Manager of a lease guaranty agreement with the property owner, Moore Square Associates, with the following general conditions:

(1) The guaranty would be $35,000 per year for the first five (5) years and $25,000 per year for the next five (5) years;

(2) The lease agreement between Moore Square Associates and City Art Gallery would be executed prior to November 15, 1985, and the lease would provide for occupancy of the structure by the City Art Gallery prior to June 30, 1986;

(3) The renovations to the structure will include exterior facade improvements to the north and west exterior walls;

(4) If the lease guaranty is called, the City will have the right to beneficial use of the structure as well as the ability to require the owner to promptly mitigate the City's cost by active solicitation of other leases; and,

(5) Other terms as determined necessary by the City Attorney.

City Manager Benton explained the location and the items in the agreement pointing out this is a guarantee to pay the rent in case the City Art Gallery cannot pay the rent. He pointed out he understands they will request continued funding relating to operation but this is a commitment in case they cannot make the rent payments. Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ROOF REPAIR PROGRAM - DESIGN SERVICES - AWARDED TO STAN CATON AND ASSOCIATES - FUNDS APPROPRIATED

City Manager Benton explained the City has budgeted funds for roof repair in the Parks and Recreation Department and Fire Department. It is desirable to retain technical assistance for a roof analysis in the Fire Department and for construction management in the Parks Department. The City Administration has negotiated with the firm of Stan Caton and Associates the following fee schedule for services. It is noted that this would also include analysis of the Police Training Center which has a persistent leak problem.

(1) Fire Department - Roof survey and analysis of various Fire Department buildings at a fee of $4,600.

(2) Police Department - Roof analysis of Training Center for $390.

(3) Parks and Recreation Department - Provision of plans, specifications, bid evaluation, construction supervision, and inspection of roof repair work to be performed in 1985-86 at a fee of $10,000 or 10 percent of bid whichever is less.

Funds are available in the approved budget for the roof work. A transfer for the Parks funds would be necessary as follows:

Transferred From:		
37-2-1081-0100	Roof Repairs Park Improvements	$ 10,000.00
Transferred To:		
37-2-1082-0102	Roof Repairs B-85-86	$ 10,000.00

Recommendation: That the Council authorize the retention of the firm of Stan Caton and Associates for a fee as proposed and that the proposed transfer of funds be approved.

City Manager Benton explained this item had been before the Council before but was referred back to Administration and Administration has been able to reduce the cost by changing some of the responsibility in staff coordination. Mr. Congleton indicated the only question he had is that Stan Caton has been used twice and it seems that there would other firms that could do this work. City Manager Benton indicated there are not that many firms that can give expert roof evaluations. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

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Purpose: To fund the 1985 Economic Development Forum.		
From 81-2-2300-0105	Brier Ck. Soil Boring	$ 11,213.00
To 81-2-2300-0102	Brier Ck. Engineering	11,213.00
Purpose: To pay Soil & Materials Engineers to do soil analysis work on Brier Creek Sewer Project.		
From 32-2-5031-0100	Benson Drive	$ 48,000.00
From 32-2-1000-0100	Council Reserve	15,950.67
To 32-2-5031-0101	Benson Drive Const.	63,950.67
Purpose: Providing sufficient funds to build Benson Drive PW 1985-10.		
From 81-2-2110-0101	Crabtree Creek O. F.	$290,703.00
To 81-2-2110-0201	Crabtree Ck. O.F. Sec. II	290,703.00
Purpose: For Crabtree Creek Sewer Outfall - Section II.		
From 81-2-2200-0101	Turkey Creek A	$ 3,124.00
To 81-2-2200-0000	Turkey Creek	3,124.00
Purpose: Change Order - Turkey Creek S. Sewer Outfall, J. F. Wilkerson Co., #1.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 34-2-3915-0104		$ 3,625.00
To 34-2-3915-0105		3,625.00
Purpose: Change Order - New Bern Park - Smith Utilities.		
From 43-2-2080-0100	Contingency	$ 1,700.00
To 43-2-2090-0701	Equipment	1,700.00
Purpose: To provide equipment for new employee.		
From 34-2-3930-0101	Land Acquisition	$ 3,800.00
To 34-2-3920-0103	Appraisal & Legal Fees	3,800.00
Purpose: To pay appraiser for appraisal work for City Market Project.		
From 08-2-0000-0001	Council Reserve	$ 83,741.97
To 08-2-0000-0207	Saunders Street Widening	83,741.97
Purpose: To make final payment to City's share of r/w cost to NCDOT for improvements to Saunders Street, the Wilmington interchange and Ileagnes Street.		
From 37-2-1081-0100	Roof Repairs	$ 10,000.00
To 37-2-1082-0102	Roof Repairs B 85-86	10,000.00
Purpose: Consultant fees for plans and specifications for roof renovations and/or replacement at Chavis, Jaycee, Halifax, Carolina Pines, Biltmore Hills & Millbrook Exchange Centers.		

Adopted: 9/17/85

***BUILDING CODE ADMINISTRATION - PROPOSED CHANGES - PUBLIC HEARING AUTHORIZED

City Manager Benton explained a number of administrative adjustments are proposed. A summary was included in the Agenda packet. The major changes are:

(a) Update codes to coincide with State Code references;

(b) Adjustment of fees for a reinspection which is made after the initial inspection reveals the construction is not in compliance with the Code (from $10 to $25 to reflect actual cost of service);

(c) Adjustment of fees for licensing journeymen in various construction trades to reflect administrative cost;

(d) Requiring a utility connection permit at the same time as a building permit to reduce burden of two separate administrative processing actions.

Recommendation: That Council authorize the advertising of this proposed code revisions for a joint public hearing with the Planning Commission at the October 15, 1985. Ms. Block moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***COUNCIL EVIDENTIARY HEARINGS - CODE REVISIONS - PUBLIC HEARING AUTHORIZED

City Manager Benton explained included in the Agenda packet is a proposal for revising the City Code to improve the procedures which are to be followed by the Council and Board of Adjustment when conducting evidentiary hearings. The general practice has already been to follow these types of rules and this would codify the practices. City Attorney McCormick indicated this is codifing the correct procedures to follow pointing out the City Council only has a few of these hearings and there is always a question as to what procedure should be followed and this would set it up in the code so that the Council will follow the same procedures as the Board of Adjustment. Mr. Congleton moved the item be advertised for public hearing at the October 15, 1985, special meeting. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DOWNTOWN EAST LAND USE AND ZONING - PUBLIC HEARING AUTHORIZED

It was explained that as part of the agreement with NCNB CDC, the City agreed to proceed with consideration of land use revisions to the Downtown East area which reflect the objectives to provide housing in this area. Currently, much of this land is zoned for Commercial-Business use. Included in the Agenda packet was a proposed zoning text change which would create a new zoning district which would reflect the residential emphasis for this area along with supportive retail and commercial uses. City Manager Benton also explained that these areas should be subject to a public hearing to consider the new zoning.

Recommendation: That a public hearing be authorized to consider the land use provisions as outlined and that the public hearing at the October 15, 1985, special Council meeting. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SIGN ORDINANCE - PROPOSED CHANGES - PUBLIC HEARING AUTHORIZED

City Manager Benton explained the Council has previously directed that the City Administration analyze the Sign Ordinance as it applies to "on-premise" signs. These include the freestanding signs which have created Council concerns along Wake Forest Road. The City Administration has reviewed the "on-premise" sign regulations. A

proposed revision has been prepared and was included in the Agenda packet. It is noted that this proposal has not been submitted to any citizen group or business group prior to presentation to the Council. The proposal would revise the City regulations to permit only three types of signs in nonresidential districts: wall signs, ground signs, and freestanding signs. Wall and ground signs would be allowed in all districts and freestanding signs would be limited to the more intense nonresidential districts where separately owned parcels and businesses are the prevailing land use.

Recommendation: That the Council authorize the advertising of these proposed Code revisions for joint public hearing with the Planning Commission at the October 15, 1985, Council Meeting and further that the Council approve an evening Council Meeting on this date to consider these Code revisions and others previously approved by the Council for this meeting date.

Planning Director Chapman explained the proposed change relates to five major points as follows: (1) Redefining ground signs, restricting ground sign distribution along the street and creating a new freestanding sign; (2) Restricting the total amount of square footage of signage allowed for any individual business or building; (3) Codification of current policy of sign criteria in shopping areas and shopping center district; (4) Amortization of nonconforming sign and (5) Table of permitted sign by zoning districts. He explained these changes in detail.

Mr. Walters indicated this seems like we are going back to full circle as it relates to the sign ordinance pointing out we came up with a sign ordinance because we had problems with signs in Neighborhood/Business. He stated he feels this proposal will make all the signs in Raleigh nonconforming and he just does not feel that we should go through with this revision. Mr. Congleton pointed out this is only to send the item to public hearing therefore, he would move that the changes as outlined be authorized for public hearing. His motion was seconded by Ms. Block. Mr. Walters indicated he feels that this should be studied more fully before we go to public hearing. He stated the only way we got a good sign ordinance was by using common sense. He stated with these revisions he feels that we are going back to what we had before. He stated he feels we are talking about a new sign ordinance not just clarifying our existing sign ordinance. After brief discussion, Ms. Block withdrew her second and moved that this item be referred to the continuation of the meeting of the Council meeting which is scheduled for September 19. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

During the September 19 meeting, Planner Director Chapman explained the regulations. He indicated the City Council had expressed concern about the number of signs and the equity question relating to on-premise signs. He went through information that had been provided to the Council in their Agenda packet for the September 17 meeting. He explained the regulations in detail. Discussion took place with Mr. Walters indicating he understands that this is a proposal to go to public hearing but pointed out if we are trying to eliminate problems in the shopping center zoning districts we should do that and not reopen the whole sign ordinance. He referred to the amortization of the signs pointing out he feels that this proposal will do away with freestanding signs particularly for small businesses as there is no way that they can get 50 feet from the lot line. He stated he feels this proposal will make many signs nonconforming and he does not want an ordinance that was so stringent that it would make existing signs nonconforming. Mayor Upchurch indicated he agreed we need to move slowly. How the new criteria was developed was discussed with Planning Director Chapman indicating they could give an example of certain corridors and how that corridor would be affected with these new regulations. Mayor Upchurch suggested that the Planning Department do a study on U.S. 70 and see how the proposed new regulations would affect that. Mr. Congleton indicated he is sure there are many questions that will be raised. He indicated he bought this issue up and since that time, he has talked to many people and the feedback he was getting was that they can live with any sign ordinance as long as it is consistent and fair to everyone. After discussion, Mr. Congleton moved that the proposal be sent to public hearing. His motion was seconded by Ms. Block. Lengthly discussion followed with various Council members voicing their feelings on the proposal and how the existing sign ordinance was developed. After which the motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

***DOWNTOWN RALEIGH PLAN UPDATE - CONCEPT APPROVED - REFERRED TO ADMINISTRATION

City Manager Benton explained one of the City's work programs for 1985-86 is the update of the Downtown Development Plan. That effort is now underway. A proposal is now submitted to the Council which would provide a process of expert review of the update prior to adoption by the Council. This would be in the context of an Urban Land Institute Panel Advisory Service. The program would bring a team of experts to the City for one week for a concentrated review of the Downtown Plan Update. It would involve public forums for general discussions and review of the plan. A copy of the proposed work plan was in the Council Agenda packet. As noted, a multi-agency funding concept is proposed with the City's cost being $30,000.

Recommendation: That the City Council approve this concept and authorize the requesting of financial support from the State, Downtown Development Corporation, and the Chamber of Commerce. A subsequent report would be presented to Council on the funding plan and the specific terms of the project.

City Manager Benton indicated if the Council approves this concept then Administration would contact the other parties involved and bring back a recommendation to the full Council. Mr. Calloway moved the recommendation as outlined be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously.

***ADVISORY TASK FORCE ON HOUSING - MEMBERSHIP - APPROVED

City Manager Benton explained at the September 3, Council Meeting, the Council approved a work plan which involved the creation of an advisory committee to continue the study of the housing issue. Administration was requested to develop a proposed list of Advisory Task Force members from various special areas which affect the financing, constructing, and use of affordable housing. The list of individuals for Council consideration was as follows:

Realtor
1. Peter Rumsey

Builder/Contractor
2. Paul Carr White Oak Properties
3. Carl Banks President Raleigh Homebuilders Association
4. Fred Bivins Franklin Lee Developers

Architect
5. Elinor Weinel Professor NCSU School of Design

Finance/Mortgage Banking
6. Frank Gailor 1st Federal Savings and Loan
*7. Stanley Green Vice President Mechanics and Farmers Bank
8. Gary Paul Kane Executive Director North Carolina Housing Finance Agency

Raleigh Housing Authority
9. Bob Jansen

Civic Organization
10. Carmen Reeve League of Women Voters

Non Profit Corporation
11. Greg Warren Executive Director DHIC

Housing Professional Educational Institution
12. Michael Stegman UNC School of City and Regional Planning

Regional Interest
13. Jean C. Beal Triangle J COG

Chairperson Eastside Neighborhood Task Force, Central CAC
14. John Greene

Builder/Developer Southeast Raleigh
15. Charles Haywood

Wake County Legislation
*16. Dan Blue

*Confirmation Pending

Recommendation: That the City Council approve the proposed Task Force membership.

Mr. Congleton indicated he had some questions about this. Mr. Calloway indicated he had suggested that Denny Coleman be included on this list. Mr. Congleton indicated Fred Bivins name is on this list and he cannot serve. He pointed out he had suggested Peter Andrews also. He indicated Ms. Babb is concerned about the list and so is he pointing out he feels that we are missing some key people in terms of having a broad understanding of the needs. Discussion took place with Ms. Block pointing out she feels that we need to just have some citizens that is just a few ordinary people. Mr. Walters suggested approving the City Manager's recommendation and if the City Council members have additional members they could be added. City Manager Benton explained the history of this item pointing out the housing report had some specific areas in which the City should focus. He indicated Administration recommended an action plan and part of that was a task force with specific functions with the understanding that that task force would terminate when the work is complete. Ms. Block indicated she had three names that she would like to see considered and suggested that Paul Moore, Margaret Riddle and Mariam Dorsey be considered. After brief discussion, Ms. Block moved that the we accept the list as submitted by the City Manager with the deletion of Fred Bivins and the addition of the five people named today. - Peter Andrews, Denny Coleman, Paul Moore, Margaret Riddle and Mariam Dorsey. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***BIDS - SALE OF SURPLUS VEHICLES AND EQUIPMENT - JOINT AWARD MADE

Pursuant to advertisement as required by law, bids were received on September 11, 1985, in the office of the Purchasing Agent for the sale of surplus vehicles and equipment with the high bids as follows:

Item #	Vehicle #	Description	High Bidder	Amount
1.	0154	1979 Impala	Larry's Used Cars	$ 460.00
2.	0417	1979 Impala	Larry's Used Cars	460.00
3.	0107	1980 Impala	Larry's Used Cars	260.00
4.	0118	1980 Impala	Martha Bullock	1,085.00
5.	0176	1980 Impala	Larry's Used Cars	680.00
6.	0497	1981 Impala	Larry's Used Cars	580.00
7.	0115	1981 Impala	Larry's Used Cars	460.00
8.	0470	1981 Impala	Larry's Used Cars	580.00
9.	0482	1981 Impala	Larry's Used Cars	760.00
10.	0486	1981 Impala	Larry's Used Cars	580.00
11.	0104	1982 Impala	Larry's Used Cars	680.00
12.	0106	1982 Impala	J. L. Ham	716.00
13.	0109	1982 Impala	Larry's Used Cars	760.00
14.	0112	1982 Impala	J. L. Ham	714.00
15.	0128	1982 Impala	J. L. Ham	721.00
16.	0144	1982 Impala	Larry's Used Cars	540.00
17.	0160	1982 Impala	J. L. Ham	714.00
18.	0166	1982 Impala	Martha Bullock	1,070.00
19.	0189	1982 Impala	J. L. Ham	726.00
20.	0308	1982 Impala	Larry's Used Cars	480.00
21.	0413	1982 Impala	J. L. Ham	707.00
22.	0233	1977 Plymouth	William Hockaday	319.00
23.	0303	1977 Plymouth	William Hockaday	401.00
24.	1124	1977 Chev. Blazer	William Coston	888.88
25.	1738	1976 Chev. Vega	Cary Used Cars	202.88
26.	1756	1973 Plymouth Valiant	Cary Used Cars	338.88
27.	1758	1974 Ford Pinto	Joseph Boyd	200.00
28.	1771	1975 Chev. Vega	J. L. Ham	212.00
29.	2702	1975 Chev. Luv	Cary Used Cars	612.88
30.	3103	1976 Chev. Vega	Cary Used Cars	212.88
31.	3517	1948 Stanffer Trailer	Clemmons Garage	257.87
32.	3593	1979 Chev. Truck	Randall's Trucks	1,237.17
33.	3637	1979 Chev. C20 3/4 ton	Randall's Trucks	916.17
34.	3960	1975 Chev. Int. Stake	Randall's Trucks	917.17
35.	5400	1974 Ford Maverick	Shirley Gordon	351.00
36.	Fire 71	1977 Plymouth Fury	William Hockaday	309.00
38.	0459	1977 Cushman Truckster	William Coston	133.88
39.	1270	1969 Huber Moter Grader	William Coston	2,777.88
40.		Isuzu 4 cyl Engine	William Coston	28.88
41.		9 asst. Hydraulic Cyl.	B & B Hydraulics	351.63
42.		19 W89 Champion Spark Plugs	William Coston	12.88
43.		19 Q59-19 Runners	William Coston	2.88
44.		6 ea. 5001 Seal Beams	William Coston	3.88
45.		8 ea. Stop kicks	William Coston	4.88
46.		1 ea. VR11 Regulator	William Coston	2.88
47.		2 ea. 4715 Bushings	William Coston	1.88
48.		2 ea. 2035 Bearings	William Coston	1.88
49.		3 ea. D-6 Diodes	William Coston	1.88
50.		2 sets 335 Break Shoes	William Coston	1.88
51.		6 ea. Fan Blades	William Coston	8.88
52.		1 ea. Hannay Hose Reel	William Coston	5.77
53.		1 ea. Lincoln Air Motor	William Coston	5.77
54.		Bin Vibrators	William Coston	12.88
55.		Gravel Bin 54 Heltzel	William Coston	38.88
56.		G. E. Base Radio	William Coston	2.88
57.		Fedders Air Conditioner	William Coston	4.88
63.		2 Ea. Paddle Boats	B & B Hydraulics	83.66

Recommendation: That the high bid as outlined above be accepted. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***DENSITY TRANSFER - RIGHT-OF-WAY PROTECTION - TEXT CHANGE AUTHORIZED

City Manager Benton explained at the previous Council Meeting, the Council authorized proceeding with a public hearing to consider a Code revision to allow a transfer of development density in highway projects. Included in the Agenda packet was a description of the text change which is proposed for public hearing.

Recommendation: That the proposed text change be approved for the special public hearing on October 15, 1985.

Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***STORM DRAINAGE - EASEMENT EXCHANGE - CLERK AUTHORIZED TO ADVERTISE

City Manager Benton explained several years ago, the City installed a storm drainage line on property fronting on Braxton Court. This was part of a petition by the property owner. The location of the piping was different from the existing easement on the property. It is now desirable to exchange the easements on this property to correlate with the actual location of the storm drainage system. A map was in the Agenda packet.

Recommendation: That the City Clerk be authorized to advertise the exchange of storm drainage easements on Lot #65 on Braxton Court.

Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-949

A RESOLUTION OF INTENT TO EXCHANGE STORM DRAINAGE EASEMENTS

WHEREAS, the City of Raleigh owns a storm drainage easement on Lot 65 (1007 Braxton Court)

WHEREAS, the piping in the storm drainage system is different from the existing easement on the property

WHEREAS, the owner of the property has requested that the original easement be deleted and a new easement dedicated

WHEREAS, the City Council intends to consider authorizing such an exchange of easement at its regular meeting to be held on the 15th day of October, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the City Clerk shall caused to be published at least 10 days prior to the 15th day of October, 1985, a notice of the proposed exchange as required by General Statutes 160A - 271.

Section 2. At its regular meeting on the 15th day of October, 1985, the City Council intends to authorize the exchange of property as described. The easements are according to map on file in the office of the City Clerk and Treasurer. (File No. 58)

ADOPTED: September 17, 1985

***OLIVIA RANEY LIBRARY SALE - NO REPORT

The Agenda indicated a report would be made at the Council meeting relative to the sale of the Olivia Raney Library. City Manager Benton indicated he did not have a report.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***NONE

REPORT OF MAYOR AND COUNCIL MEMBERS

***CRABTREE CREEK - REQUEST OF CARY - LETTER AUTHORIZED

Mayor Upchurch indicated recently Cary requested permission to increase discharge into Crabtree Creek in the vicinity of I-40. He indicated when the State granted the initial permits for wastewater discharge in this area, the City of Raleigh expressed its concern and at that time, Mayor York sent a letter to the State. Mayor Upchurch indicated he had prepared a letter to Secretary Rhodes of the Department of Natural Resources and Community Development expressing the City's concern about the capacity Crabtree Creek to accept this flow and also with the level of treatment which would be required for any wastewater treated and discharged into Crabtree Creek. He stated he read the letter and stated with the Council consent he would send forward this letter. Ms. Block indicated the Mayor should be commended for addressing this situation and moved approval of the sending of the letter pointing out if Administration could think of other ways to express our concern we should do that also. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously.

***COUNTY MEETING - INFORMATION RECEIVED

Mayor Upchurch indicated Council members received a letter from the County Commissioners relative to a meeting scheduled for September 23 at 3:30 p.m. in the 7th floor Conference Room of Wake County Courthouse. He urged Council members to attend. Ms. Block concurred indicating we do need everyone there pointing out this meeting has something to do with requests for funding and dispositions of funds that will be distributed on a per capita basis. The information was received.

***BASEBALL - COUNCILMAN KELLER NAMED COMMISSIONER

Mayor Upchurch indicated in the past months, Councilman Keller has been working on efforts relating to professional baseball in the City of Raleigh. He pointed out Mr. Keller is not running for re-election and the Council term is coming to an end. Therefore, he would request that this City Council allow Mr. Keller to continue his functions as Commissioner of Baseball to explore and continue his efforts into getting professional baseball in the City of Raleigh. He stated this would not be assigning Mr. Keller any staff or anything but just would allow him to continue his efforts. Mr. Congleton moved that Mr. Keller be designated Commissioner of Baseball and move forward in his exploratory efforts and report back to the City Council on his progress. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ALBERMARLE DRIVE - EXCEPTION FOR PROVIDING CURB AND GUTTER - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. Walters indicated he would like to refer to Public Works Committee a problem he has relating to providing $1,000 for curb and gutter pointing out this relates to Albermarle Drive area that goes through to Peartree Lane. Without objection, Public Works Committee was asked to look into the situation.

***WATER METER - EAST JONES STREET - REFERRED TO ADMINISTRATION

Mr. Walters indicated there was a problem with a water meter next to the Agape Place on East Jones Street. He indicated that was corrected but in doing so the City pulled up the water meter next door and torn up the sidewalk. He indicated the sidewalk repairs have not been made. Without objection, the item was referred to Administration.

***SISTER CITY - RESOLUTION ADOPTED

Mr. Walters read a resolution requesting Sister City affiliation with the City of Hull indicating he has prepared a letter under the Mayor's signature to forward this resolution. Mr. Congleton moved adoption of the resolution and authorization of the Mayor to sign the letter. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 952

RESOLUTION OF THE CITY OF RALEIGH, N.C., USA, EXTENDING AN INVITATION TO THE CITY OF KINGSTON UPON HULL, GREAT BRITAIN, TO BECOME A SISTER CITY AND INVITING THE PEOPLE OF KINGSTON UPON HULL, GREAT BRITAIN TO PARTICIPATE IN SAID PROGRAM

WHEREAS, the "People-to-People Program" was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the peoples of the United States and other nations through the medium of direct personal contact, and

WHEREAS, all succeeding U. S. Presidents have endorsed said program, to be conducted for the broad purposes of the exchange of ideas and people between the citizens of the United States of America and the peoples of other nations, and

WHEREAS, to implement this program Raleigh and other communities in the United States have been requested by the Town Affiliation Association of the U. S., Inc., to affiliate with cities in other nations of similar characteristics and mutual interest, and

WHEREAS, the City of Raleigh, through its Council, does recognize and endorse this program with the hope that it will lead to a lasting friendship between the people of Raleigh and Kingston Upon Hull, Great Britain.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That this Council on behalf of the people of Raleigh does hereby extend an invitation to the government and the people of the City of Kingston Upon Hull, Great Britain to participate with Raleigh as its sister city for the purpose of crating greater mutual understanding between the people of our two great cities and nations.

Section 2. The Mayor is hereby authorized to act as official representative of Raleigh to carry out this program.

Section 3. That copies of this Resolution are to be sent to the Mayor and Council of the City of Kingston Upon Hull, the Town Affiliation Association of the U. S., Inc., the Great Britain Twinning Committee and the Embassy of Great Britain.

***TREES - 511 SOUTH WILMINGTON STREET - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had been contacted by Ruth and Evelyn Pope, 511 South Wilmington Street, pointing out there are several trees on the City right-of-way that

are dying and endangering personal property. He indicated he understands they have reported this situation to the City on a number of occasions and nothing has been done. Without objection, the item was referred to Administration.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - SEPTEMBER 3 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the September 3, 1985, Council meeting. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAXES - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

The City Clerk indicated Council members received in their Agenda packet two proposed resolutions relating to tax rebates and/or refunds. Adoption of the resolutions is recommended. It is also recommended that the Council approve the list as submitted by the Wake County Tax Supervisor for refunds due for the month of July relating to clerical errors. Mr. Congleton moved the Clerk's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 950

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105331, a 10% penalty as assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	East Coast Sealing Systems, Inc.	01-7-5273083	$ 40,500	Relieved
1985	Russell Thomas Greene	01-2-5283646	7,485	Relieved
1985	Paton-Zucchino & Assoc.	01-1-5240188	44,031	Relieved
1985	Douglas B. & Mary Scott	13-2-0133343	111,380	Relieved
1985	Douglas B. & Mary Scott	13-2-5288066	12,915	Relieved

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

ADOPTED: 9/17/85

RESOLUTION NO. (1985) 951

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given and

WHEREAS, the City Council finds as a fact that the person in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed by and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Boykin, Walter Carson	13-2-5450178	$12.55	Error-Illegal Bill
1984	Finch, Judy L.	01-2-5131369	51.94	Error-Illegal Bill
1984	Moore, Sherry L.	11-2-5227313	28.67	Error-Illegal Bill
1983	Moore, Sherry L.	11-2-5227313	2.67	Error-Illegal Bill
1984	Suhler, Marc Aaron	01-2-5487067	39.23	Error-Illegal Bill
1984	Wooten, Patricia L.	01-2-0040945	35.75	Error-Illegal Bill
1983	Lawrence, Ethel C.	01-2-0040945	20.90	Error-Illegal Bill
1982	Lawrence, Ethel F.	01-2-0040945	20.68	Error-Illegal Bill
1984	Zaytoun, Henry S., DDS	01-1-5034131	14.55	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

ADOPTED: 9/17/85

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:45 p.m.

Gail G. Smith
City Clerk

cmc/IBM/1